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REPORT OF THE DEPARTMENT OF JUSTICE

TASK FORCE TO REVIEW THE FBI MARTIN LUTHER KING, JR., SECURITY AND ASSASSINATION INVESTIGATIONS

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I. INTRODUCTION

A. The Mission Of The Task Force

1. The Problem

On November 1, 1975, William C. Sullivan, former Assistant Director, Domestic Intelligence Division, Federal Bureau of Investigation, testified before the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. He related that from late 1963 and continuing until the assassination of Dr. Martin Luther King, Jr., King was the target of an intensive campaign by the F.B.I. to neutralize him as an effective civil rights leader. Sullivan stated that in the war against King "No holds were barred." (Senate Report No. 94-755, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Book II, p. 11). This and other testimony describing this F.B.I. counterintelligence campaign against King reached the public through the news media. As a consequence there was a regeneration of the widespread speculation on the possibility that the Bureau may have had some responsibility in Dr. King's death and may not have done an impartial and thorough investigation of the assassination.

2. The Attorney General's Directive

On November 24, 1975, the Attorney General of the United States directed the Civil Rights Division of the Department of Justice to undertake a review of the files of the Department and its Federal Bureau of Investigation to determine whether the investigation of the assassination of Dr. Martin Luther King, Jr. should be reopened. More particularly it was sought to be determined: (1) whether any action taken in relation to Dr. King by the FBI before the assassination had, or may have had, an effect, direct or indirect, on that event, and (2) whether any action was taken by the FBI which had, or may have had, any other adverse effect on Dr. King. Recommendations for criminal, disciplinary or other appropriate action were requested.

3. The Review up to April 26, 1976

In the next four months, the Assistant Attorney General in charge of the Civil Rights Division, his principal Deputy Assistant Attorney General and the Chief of the Criminal Section of the Civil Rights Division, acting as a review staff, variously read portions of the FBI headquarters file on a person who served as an adviser to Dr. King, portions of the FBI headquarters security file on Dr. King himself, portions of the FBI headquarters file on the assassination investigation, some Department (as opposed to FBI) files relating to Dr. King, and other Bureau documents including everything on Martin Luther King, Jr., held in the late J. Edgar Hoover's official, confidential and personal files.

By a memorandum to the Attorney General dated April 9, 1976, the Assistant Attorney General in charge of the Civil Rights Division submitted a 51 page report of the Chief of the Civil Rights Division's Criminal Section dated March 31, 1976, embodying the results of the three-man study, limited to the above listed files, and concentrating almost exclusively on the pre-assassination surveillance of, and counterintelligence activities against, Dr. King.

The Assistant Attorney General recommended the creation of a Departmental Task Force to complete the review he and his team had begun. He also recommended an Advisory Committee of distinguished citizens to advise with the task force. The further review proposed included interrogation of material witnesses, reading all the pertinent field office files and reviewing all of the headquarters files relating to Dr. King and possibly to other civil rights activists. A recommendation was made to review tapes secured by electronic surveillance with a view to determining which of such materials should be and could be legally destroyed. The Assistant Attorney General felt that the FBI should assess the culpability of its agents involved in the wrongdoing by the principals named in the report. His memorandum to the Attorney General concluded that probably criminal redress was time-barred, that civil remedies might be available to the King family but might also be more embarrassing than helpful, and hence that consideration be given to a direct payment by the settlement process or by a private bill to compensate the King survivors, or with the survivors' concurrence, the King Foundation; if this last issue were left to the task force or an Advisory Commission, it should consider the pros and cons and recommend as it sees fit.

The Attorney General forwarded the Civil Rights Division memoranda (and comments thereon from the Deputy Attorney General, the Solicitor General, and from staff members and the Assistant Attorney General of the Criminal Division) to the Counsel, Office of Professional Responsibility. The Attorney General charged the Office of Professional Responsibility with the work of completing the review begun by the Civil Rights Division. His memorandum states:

"My request for the review involved four matters. First, whether the FBI investigation of the Dr. Martin Luther King's assassination was thorough and honest; second, whether there was any evidence that the FBI was involved in the assassination of Dr. King; third, in light of the first two questions, whether there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King which should be dealt with by the appropriate authorities; fourth, whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecution, disciplinary proceedings, or other appropriate action.

As the fourth point, I again note that from the partial review which has been made, Mr. Pottinger concludes 'we have found that the FBI undertook a systematic program of harassment of Martin Luther King, by means both legal and illegal, in order to discredit him and harm both him and the movement he led.' Assuming that the major statutory violations relevant to this conduct would be 18 U.S.C. Section 241 and Section 242, Mr. Pottinger's memorandum concludes that any prosecution contemplated under those acts would now be barred by the five-year statute of limitations with the possible exception which would exist if there were proof of a continuing conspiracy.

As to the matter of new evidence with respect to the assassination my understanding is that the Department has never closed the Martin Luther King file and that numerous allegations of the possible involvement of co-conspirators are promptly investigated. The thrust of the review which I requested, however, was to determine whether a new look at what was done by the Bureau in investigating the assassination or in the relationship between the Bureau

> and Dr. King might give a different emphasis or new clues in any way to the question of involvement in that crime. At this point in the review, as I read the memoranda, nothing has turned up relevant on this latter point.
>
> The review is not complete. Mr. Pottinger and all those who have commented upon his memorandum recommend that the review be completed. Mr. Pottinger also has made other recommendations upon which there is some difference of opinion. In my view, it is essential that the review be completed as soon as possible and in as thorough a manner as is required to answer the basic questions. In view of what has already been done, and the tentative conclusions reached, special emphasis should be given to the fourth question. In conducting this review you should call upon the Department to furnish to you the staff you need.
>
> My conclusion as to the review conducted by the Civil Rights Division is that it has now shown that this complete review is necessary, particularly in view of the conclusion as to the systematic program of harassment. If your review turns up matters for specific action, we should discuss the best way to proceed on each such case."

B. The Task Force And The Method Of Review

The Counsel of the Office of Professional Responsibility selected three attorneys from the Civil Rights Division, Joseph F. Gross, Jr., James R. Kieckhefer and William D. White, one attorney from the Criminal Section of the Tax Division, James F. Walker, and a retired attorney Fred G. Folsom, who is currently a consultant to the Tax Division with 37 years of experience in Civil Rights Division (which included homocide cases), Criminal Division and Tax Division prosecutions. As the senior man the latter was designated to head the task force. This committee or task force began its work on May 4, 1976. The committee was further staffed by the addition of two research analysts, Ms. Hope Byrne and Mr. Geoffrey Covert, two secretaries, Ms. Veronica Keith and Mrs. Renee Holmes, and two clerk-typists, Mrs. Leroylyne Murray and Ms. Dana Boyd.

Consideration of a tentative outline for an eventual report based on the chronology of events in the relationship between Dr. Martin Luther King and the Federal Bureau of Investigation brought the task force up against the fact that the field of the history before the assassination had just been plowed twice: once by the Civil Rights Division memoranda of March 31, 1976, and April 9, 1976 and once (among other kindred subjects) by the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Senate Report, No. 94-155 94th Congress, 2d Session, Books II and III).

By way of contrast, however, the matter of the assassination of Dr. King and the ensuing investigation had been judged by the Civil Rights Division's Assistant Attorney General and his two assistants primarily on their familiarity with the Department file on the investigation as it had progressed since 1968. The Civil Rights Division's Martin Luther King, Jr., review memoranda reflected that a study had been made of only the first 10 sections of the FBI headquarters file on the assassination investigation and only a random inspection was done of some of the remaining 74 sections. There was no factual discussion or analysis. The conclusion was reached by the Civil Rights Division staff that "the Bureau's investigation was comprehensive, thorough and professional" (Murphy memorandum of March 31, 1976, p. 6). It was determined therefore to begin the task force's study with a complete review of the files on the FBI's investigation of the assassination. It was the consensus of the review team that by approaching the whole task by first examining the character and completeness of the murder investigation an answer could be made to the Attorney General's question as to the Bureau's performance in that regard and also an answer could be indicated to his question going to the Bureau's possible responsibility, if any, direct or indirect, for Dr. King's death.

After the examination of the FBI's investigation of the murder of Dr. King, the review team proceeded to go back and complete the inquiry into the Bureau's pre-assassination relationship with Dr. King. Necessarily included again in this second stage of our review was the consideration of whether the FBI was in any way implicated in the murder directly or indirectly.

The task force made a particular point of looking at all the material in the FBI headquarters and field office files on the Assassination Investigation, the so-called "Murkin File" (Murkin being an acronym for Murder of King) 1/; the Martin Luther King Security File 2/; the Cominfil-SCLC File (Cominfil being an acronym for Communist infiltration; S.C.L.C., the initials for the Southern Christian Leadership Conference) 3/; the file on Communist Influence in Racial Matters 4/ and the advisor to King File 5/. The "Murkin" file was solely concerned with the murder investigation. The other four files provided a multi-focal view

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1/ FBI HQ. 44-38861

2/ FBI HQ. 100-106670

3/ FBI HQ. 100-438794

4/ FBI HQ. 100-442529 and the predecessor file entitled Communist Party, U.S.A. Negro Question; FBI HQ. 100-3-116

5/ FBI HQ. 100-392452

of the Bureau's intelligence and counterintelligence activities with respect to Dr. Martin Luther King, Jr. The scheme of citation hereinafter used will be to minimize footnotes, place the source citation in the body of the writing, and designate headquarters files by "HQ" and number and serial and Field Office files by city and number and serial, e.g.: (Memphis 44-1987-153). Exceptions to this scheme will be explained when made.

The more voluminous of the pertinent files in addition to the FBI headquarters files and the Washington Field Office files were located in Memphis, Atlanta, Baltimore, Charlotte, Birmingham, New Orleans, Los Angeles, San Francisco, Kansas City, St. Louis, Omaha, Chicago, Springfield (Ill.), Milwaukee and New York. These were examined in place by visits by task force personnel. The remaining files were xeroxed and forwarded for review in Washington. Pertinent newspaper clipping files maintained by the Department and by the Bureau and its field offices were scanned.

In terms of papers examined, more than 200,000 entries, many with numerous pages concerning both the murder investigation and the security investigation were covered. The five attorneys sitting together originally and later, as the work progressed, splitting up to work singly or in teams together with the research personnel, considered separate sections of each file compiling notes, commenting on, or reading aloud, or noting for reading by all of the committee, items of significance. Notes were taken, when pertinent items were encountered, on a serial-by-serial basis ("serials" being each separate document entry of one or more pages in the file). The resulting books of notes were then reviewed and used in conjunction with the original-source serials for the development of the statements of fact herein. In addition witness interviews were reflected in contemporaneous memoranda which aided in the development of the facts recited.

Selected portions of the so-called Official and Confidential files which had been kept in the office of the late J. Edgar Hoover, some sensitive files in the office of a Section Chief in the FBI Security Division, and the files of former Assistant Director William Sullivan were reviewed. So also were the pertinent files of the Attorneys General. The task force attorneys reviewed the transcripts of key intercepted telephone and microphone overheard conversations of Dr. King and his associates. These were spot checked for accuracy against the tapes of those surveillances. A canvass of other investigative agencies was made to determine whether their files reflected that intelligence or counterintelligence requests had been made upon them by the FBI in relation to Dr. King. This included the Defense Department, the State Department, the U.S. Information Agency, the C.I.A., the Secret Service, the Postal Inspection Service, the Internal Revenue Service's Intelligence Division and the Treasury Department's Bureau of Alcohol, Tobacco and Firearms. The material turned up by these agencies was examined, albeit little of consequence was discovered. Relevant portions of the investigation reports of the Memphis Police Department on the King murder were xeroxed and studied.

In addition to official files, the task force personnel considered published material from the public sector dealing with Dr. Martin Luther King, Jr., and his assassination. Included in this category were a viewing of the Columbia Broadcasting System's program on the death of King in its series "The Assassins," a National Broadcasting Company "Tomorrow" program of April 4, 1974, and perusal of books and articles on the Southern Christian Leadership Conference and the role of the FBI in relation to the murder of Dr. King (see Bibliography, App. A, Ex. 6). This lead to some valuable evidentiary material - principally the oral and written statements of James Earl Ray - which was used to buttress the reconstruction of the facts of the murder and of the FBI investigation.

Some 30 interviews were conducted, principally in the assassination phase of the task force study. They were helpful in supplementing the results of interviews done during the murder investigation.

During the review of the Memphis Field Office files, an on-site inspection of the crime scene was conducted and the exhibits in the office of the Clerk of the County Court for Shelby County, Tennessee, were examined.

II. THE ASSASSINATION INVESTIGATION

A. Events Surrounding April 4, 1968

1. The Poor People's Campaign

To understand the movements of Dr. King during this critical period, it is necessary to briefly discuss the Poor People's Campaign (POCAM), originally called the Washington Spring Project in which he and the SCLC were involved. POCAM was scheduled to begin the first week of April 1968, and involved recruiting some 3,000 poor unemployed blacks from 16 localities in the United States for the purpose of going to Washington, D.C., and petitioning the government to improve their economic status (HQ 157-8428-51).

The plan was to camp on the Washington Monument or Lincoln Memorial grounds (HQ 157-8428-132). During the first and second weeks, demands would be made of congressmen and heads of departments, such as the Secretary of Labor. If the demands were not met, nonviolent demonstrations were to be conducted (HQ 157-8428-109).

Dr. King's planned travel schedule for February and March included trips to 9 major cities and visits to various points in Mississippi, Alabama, South Carolina, North Carolina and Virginia (HQ 157 8428-75). By mid February Dr. King had become discouraged with the lack of progress in recruiting and training demonstrators (HQ 157-8428-206). During this low point in the POCAM Dr. King was pursuaded to alter his plans and to go to Memphis, Tennessee, in support of a strike involving the city's sanitation workers.

2. Memphis Sanitation Worker's Strike

On February 12, 1968, approximately 1,000 sanitation workers employed by the city of Memphis called a wildcat strike. The strikers were represented by Local 1733 of the American Federation of State, County and Municipal Employees who demanded exclusive recognition of the union as bargaining agent, setting up grievance procedures, wage improvements, payroll deduction of union dues, and a promotion system as well as a pension, hospitalization and life insurance program. (HQ 157-9146-X1).

The NAACP intervened in the strike because all of the sanitation workers, excluding drivers, were black. A militant young black power group known as the Invaders was similarly interested in the strike. The group consisted of about 15 members, mostly high school dropouts, and was a cell of a larger group known as Black Organizing Power (BOP) headed by Charles L. Cabbage and John B. Smith. The alleged purpose of BOP was to stimulate a sense of black identity, black pride and black consciousness in young blacks.

The strikers were also supported by a group of black ministers, connected with the Memphis Interdenominational Ministerial Alliance, who adopted the name COME (Community on the Move for Equality). It was members of this group that were instrumental in bringing Dr. King to Memphis. On March 3, 1968, the Reverend James M. Lawson, Jr., pastor of the Centenary Methodist Church, Memphis, and member of COME, stated on a television program (WHBQ-TV) that he wanted to bring Dr. King (and other heads of civil rights organizations) to Memphis in an effort to unify the entire black community behind the demands of the strikers (HQ 157-9146-X23). The intervention of these various black community organizations caused the city of Memphis to be concerned about the racial overtones of the strike and the possibility of violence (HQ 157-9146-X1).

Dr. King made his first visit to Memphis in support of the strike on the night of March 18, 1968. On that occasion, in addressing an estimated crowd of 9,000 to 12,000 people at a rally sponsored by COME at the Mason Temple, he called for a general protest day on March 22, 1968. All blacks were asked not to go to work or school on that day and were urged to participate in a massive downtown march. Dr. King and his party stayed at the Lorraine Motel, 406 Mulberry Street, on the night of March 18, 1968 and left Memphis shortly before noon on March 19, 1968, ostensibly to go to the State of Mississippi in connection with the POCAM (HQ 157-9146-X39).

The City of Memphis was virtually paralyzed by a 16-inch snowfall on March 22, 1968, resulting in the postponement of the planned mass march to March 28, 1968. Dr. King returned to Memphis on the 28th, arriving at the airport at approximately 10:22a.m. By that time approximately 5,000 to 6,000 people, about half of whom were of school age, had congregated at the Clayborn Temple (located at 280 Hernando St.) for the start of the march. According to the plan of the march, the sanitation workers were in front with the remainder of the people following behind. The march was to proceed north on Hernando to Beale Street, thence west on Beale Street to Main Street and north on Main Street to City Hall.

The march got underway at approximately 11:00a.m. and had proceeded to Hernando and Beale before it was joined by Dr. King. When the front of the march (led by Dr. King) reached Main Street, teenagers and young adults at the rear of the march near Third and Beale (two blocks from the front of the march) ripped the signs off their poles and began breaking store windows and looting. Mass confusion developed and the police moved in to quell the disturbance. The disruption of the march caused Dr. King's aides to commandeer an automobile, and Dr. King and his party were escorted by police to the Rivermont Hotel operated by Holiday Inns of America. (HQ 157-9146-45). Dr. King left the march at 11:15a.m. and checked into the Rivermont Hotel at 11:24a.m. where he stayed until March 29, 1968. Dr. King and his party were scheduled to return to Atlanta on March 28, 1968, at 9:05p.m. via Eastern Airlines and were scheduled to leave Atlanta the morning of March 29, 1968, for Baltimore (HQ 157-9146-45). Thus, remaining in Memphis on the night of the 28th was a change in plans.

The city ordered a 7:00p.m. curfew and approximately 3,500 members of the Tennessee National Guard were called out to end the violence. During the disturbance four blacks were shot, one fatally; approximately 150 fires were set; and over 300 persons were arrested. Approximately one percent of the marchers engaged in looting and violence and many of these were people who were criminally inclined and who had been in previous trouble. The March 29, 1968, issue of the Memphis "Commercial Appeal" reported that many of the looters and window breakers were black power advocates and that several wore jackets of the "Invaders". However, other sources, including Lieutenant E.H. Arkin of the Memphis Police Department, indicated that many high school age students had put the word "Invaders" on their jackets for effect and were not necessarily affiliated with the BOP movement (HQ 157-9146-45). The violence and disruption of the march was of great concern to Dr. King because of the possible effect it might have on the planned POCAM. Therefore, he vowed to return to Memphis and demonstrate that he had not lost his effectiveness in leading nonviolent marches.

Dr. King, together with his SCLC staff, returned to Memphis on April 3, 1968, at 10:33a.m. After a press conference at the airport, the group proceeded to the Lorraine Motel, arriving there at approximately 11:20a.m. At about 12:05p.m. Dr. King left the Lorraine Motel for a meeting at the Centenary Methodist Church (Security and Surveillance Rept. of G.P. Tines, Inspector, Memphis Police Department, dated July 17, 1968). Dr. King announced at this meeting that his purpose in returning to Memphis was to lead a mass march on April 8, 1968 (HQ 157-9146-9 p.8).

However, on April 3, 1968, United States District Court Judge Bailey Brown issued a temporary restraining order against further marches in Memphis (HQ 157-9146-9, p.1). Dr. King returned to the Lorraine Motel at 2:25p.m. and sometime that afternoon Federal Marshals served him and his aides with the restraining order. (Security and Surveillance Rept. of G.P. Tines, Inspector, Memphis Police Department, dated July 17, 1968).

At approximately 4:00p.m. Dr. King and the SCLC staff met with the BOP group at which time Charles Cabbage requested money to institute BOP plans to start a "Liberation School" and a "Black Co-op". Dr. King agreed to use his influence to secure funds for BOP and Rev. Andrew Young agreed to help write up a plan. It is believed these concessions were made to BOP in order to keep them in line and prevent them from following a violent pattern. (HQ 157-9146-9, p.9)

On the night of April 3, 1968, Dr. King spoke to approximately 2,000 persons at the Mason Temple. He emphasized that the scheduled mass march must be held on April 8, 1968, to re-focus attention on the eight-week old sanitation workers strike.

After the speech, Solomon Jones, Jr., serving as Dr. King's chauffeur drove him back to the Lorraine Motel. Dr. King told Jones to report back on Thursday morning, April 4, 1968, at 8:30a.m. because he had to appear in court in connection with a restraining order. (Memphis 44-1987-2322 p.51.)

3. Dr. King's Activities on April 4, 1968

According to Mrs. Georgia M. Davis of Louisville, Kentucky (FBI interview: HQ File 44-38861-2634, p.20) she, Rev. A.D. Williams King, (Dr. King's brother) and Mrs. Lucie Ward arrived in Memphis on April 4, 1968, from Florida and registered at the Lorraine Motel at approximately 1:00a.m. Upon inquiring about Dr. King, they were told that he was attending a strategy meeting at a church. The three then went to the church, but Dr. King was not there.

Returning to the motel, Dr. King's brother, Mrs. Davis and Mrs. Ward conversed in room 207 until they observed Dr. King, along with Reverends Ralph Abernathy and Bernard Lee, getting out of a taxicab in the motel courtyard at about 4:30a.m. Dr. King was invited to room 207 where he visited with his brother, Mrs. Davis and Mrs. Ward until about 5:00a.m. He then went to room 306 where he and Rev. Abernathy were registered. About a half hour later Dr. King went to room 201 where he visited with Mrs. Davis for approximately one hour. Afterwards he returned to room 306 for a strategy meeting scheduled for 8:00a.m.

Solomon Jones, Jr., Dr. King's chauffer, returned to the Lorraine Motel at about 8:30a.m. to take him to court.

However, Rev. Andrew Young advised Jones that he was going to court instead of Dr. King. Therefore Jones was requested to remain at the motel. (HQ 44-38861-2322, p.51).

Dr. King remained at the motel the entire day, returning to room 201 at about 1:30p.m. to visit Mrs. Davis. He was later joined in room 201 by his brother, Mrs. Ward, Abernathy, Lee, Young, and Attorney Chauncey Eskridge. The group conversed until about 5:45p.m. when Dr. King announced they were going to dinner at the home of Rev. Billy Kyles (HQ 44-38861-2634, p.23). */ Enroute to room 306 to dress, Dr. King saw Solomon Jones, Jr. in the motel courtyard and told him to start the car as they were preparing to go to dinner (HQ 44-38861-2322, p.52).

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*/ There is a discrepancy in the exact time Dr. King returned to room 306. Mrs. Davis places the time at 5:45p.m. However, in an FBI interview, Rev. Abernathy stated that on April 4, 1968, he and Dr. King did not leave the motel and spent most of the day in room 306. He further stated that he and Dr. King had been gone from their room for approximately one hour or less when they returned to the room at about 5:30p.m. to get dressed for dinner at the home of Rev. Billy Kyles. (HQ 44-38861-2322, p.48).

At approximately 6:00p.m. Dr. King and Rev. Abernathy started to leave room 306. Rev. Abernathy stopped for a moment and Dr. King walked out onto the balcony just outside the door to the room (HQ 44-38861-2322, p.46). He saw Jones standing beside the car on the ground level and began a conversation about the weather. Jones advised Dr. King that he should put on a topcoat as it was cool outside. During this conversation, Dr. King was facing west and Jones was facing east and looking up at Dr. King from the ground level. As Dr. King acknowledged Jones' concern about getting his topcoat, Jones heard a sound which he thought was a fire cracker and Dr. King fell to the floor of the balcony in front of room 306. Jones immediately called for help and a number of Dr. King's aides, who were either in their rooms or standing in the courtyard, rushed to his side (HQ 44-38861-2322, p.52). */

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*/ Some critics of the FBI investigation have speculated that Solomon Jones, Jr. set Dr. King up for the assassination by unduly detaining him on the balcony. Nothing in the evidence reviewed by the task force lends any credence to such speculation.

4. FBI Intelligence and Local Police Activities

a. FBI Informants. Robert G. Jensen, the Special Agent in Charge of the Memphis Field Office, and Joseph Hester, case agent for MURKIN, have unequivocally assured the task force that there was no electronic surveillance of Dr. King in Memphis. It was explained that Memphis was not in the mainstream of Dr. King's SCLC activities (Interview of Special Agent Joe Hester, June 23, 1976, App.B). However, FBI agents did observe the sanitation worker's strike activities for intelligence purposes and the Memphis Police Department (MPD) and confidential paid informants did supply information to the field office (Interview of former SAC Robert Jensen, July 7, 1976, App.B).

Our investigation disclosed that there were five paid confidential informants providing intelligence regarding the racial situation to the Memphis Field Office on a continuing basis. The intelligence coverage provided by these individuals related to the activities of the Nation of Islam, Black Students Association of MSU, Students for a Democratic Society, Black Organizing Power, Black United Front, Afro-American Brotherhood, Invaders and the sanitation workers strike. There is no evidence that the activities of these informants related directly to Dr. King. Moreover, there is no evidence that would suggest that these informants were connected in any way with the assassination of Dr. King. (HQ 134-11867; 170-1841; 170-1922; 170-2530 and 137-4885.)

b. MPD Infiltration of the Invaders. In addition to the paid FBI informants, an officer of the MPD infiltrated the Invaders in an undercover operation. The officer who was later exposed and is no longer with the MPD, was interviewed by the task force. The undercover assignment began in February of 1968 for the specific purpose of infiltrating the Invaders who became active about the same time of the sanitation workers strike. According to the officer the MPD was primarily interested in the Invaders, not Dr. King, because the MPD was concerned about what they might do. The police officer was, in fact, accepted as a member of the Invaders and participated in their activities. On the evening of April 4, 1968, when Dr. King was shot, the informant had been on a shopping trip with Reverend James Bevel and Reverend James Orange. The informant said he returned to the Lorraine Motel at approximately 5:00p.m. and was standing in the motel courtyard at the time Dr. King was shot. He is positive that the shot that killed Dr. King came from the rear of the buildings which front on South Main Street.

c. MPD Surveillance Detail and Removal of Detective Redditt from Duty. [*/] From the time of Dr. King's return to Memphis on April 3, 1968, until the time of his assassination, he was under physical surveillance by the MPD. Upon learning of Dr. King's flight schedule, Inspector G.P. Tines of the MPD Inspectional Bureau instructed two black plainclothes officers, Detective Edward E. Redditt and Patrolman Willie B. Richmond, to go to the airport to observe the arrival of Dr. King and to keep him under continuous surveillance in order to see with whom he came in contact. According to Inspector Tines, the surveillance was ordered because Dr. King was a controversial figure and had met with local black militants on his prior visit to Memphis. While at the airport a Mrs. Thomas Matthews pointed her finger at Redditt and told him that she was going to get him. (Report of G.P. Tines, July 17, 1968, Re: Security and Surveillance of Dr. King, App. B.)

[*/] The removal of Redditt from duty was cited as one of the bases for the House Select Committee to investigate the assassination of Martin Luther King, Jr.

In addition to the surveillance detail, Assistant Chief of Police W.P. Huston ordered a detail of four men, commanded by Inspector Don H. Smith, to go to the airport for the purpose of providing security for Dr. King. While waiting for Dr. King to arrive, Mrs. Thomas Matthews advised Lieutenant George K. Davis that she had come to the airport to pick up Dr. King and that no one had asked for police to be assigned to him. Inspector Smith also asked Reverend James Lawson where they were going when they left the airport and he replied: "We have not fully made up our minds." Nevertheless, when Dr. King and his party left the airport, Inspector Smith and his men followed them to the Lorraine Motel, arriving there at approximately 11:20a.m. With the assistance of Inspector J.S. Gaglian and two other officers, Inspector Smith and his men secured the entrances to the motel.

Dr. King and his party left the Lorraine Motel at approximately 12:05p.m. and were followed by the security detail to the Centenary Methodist Church where a meeting was held. The detail secured the front and rear entrances of the Church until approximately 2:15p.m. when Dr. King and his group returned to the motel. The security detail then returned to the motel area and resumed their positions until they were ordered to headquarters by Chief J.C. Macdonald at approximately 5:05p.m. Inspector G.P. Tines stated in his report that he was not conferred with and has no idea why the security detail was removed from Dr. King after 5:05p.m. Former Chief Macdonald has no present recollection of the security detail (Interview of James C. Macdonald, former Chief MPD, December 22, 1976, App. B.) The security detail was not resumed on April 4, 1968, (Reports of Inspectors Don H. Smith and J.S. Gagliano as incorporated in Report of Inspector G.P. Tines, supra.)

As a separate activity from the security detail, Detective Redditt and Patrolman Richmond went to the airport on April 3rd and observed Dr. King's arrival. When Dr. King left the airport they followed him to the Lorraine Motel and learned that he was registered in room 306. Redditt telephoned headquarters and informed Inspector Tines where Dr. King was staying. At approximately 12:05p.m. Redditt and Richmond followed Dr. King and his party to the Centenary Methodist Church where a closed meeting of approximately 30 black ministers was scheduled. Redditt again called headquarters and advised his superiors of his location. Redditt was instructed to leave Richmond at the church and for him to return to the area of the Lorraine Motel for the purpose of finding a suitable place where close surveillance could be kept on the motel. Richmond remained at the Centenary Methodist Church until the meeting was over at approximately 2:15p.m. Richmond then went to Clayborn Temple where he thought Dr. King would address the sanitation workers prior to a scheduled 3:00p.m. march. However, Dr. King did not make an appearance there. Richmond telephoned headquarters at about 3:30p.m. and was advised that Dr. King had returned to the motel and that Redditt had set up a surveillance post at Fire Station No. 2, located at South Main and Butler streets. Richmond immediately left Clayborn Temple and joined Redditt at the fire station. (Interview of Patrolman W.B. Richmond, April 9, 1968, MPD Statements, State v. James Earl Ray p. 1444).

The rear of Fire Station No. 2 overlooks the Lorraine Motel and provided an excellent vantage point where Redditt and Richmond could observe Dr. King and his associates as they entered and left the motel. On April 3, 1968, Redditt and Richmond remained at their observation post until 6:35p.m. at which time they were relieved by Lieutenant E.H. Arkin and Lieutenant J.V. Papia of the MPD Internal Security Bureau. (Statement of Edward E. Redditt, April 10, 1968, MPD Statements, State vs. James Earl Ray p. 1453).

After leaving their observation post, Redditt and Richmond went to the Mason Temple where Dr. King was scheduled to address a mass meeting. Shortly after they arrived at the temple, Redditt was approached by Reverend Malcomb D. Blackburn and told that the word was out that he was over in the fire station near the Lorraine Motel spying with binoculars. Reverend Blackburn also advised Richmond that the temple was the wrong place for him because the tension was too high. Fearing they would be exposed, Redditt and Richmond left the meeting at approximately 8:50p.m. (Report of Inspector G.P. Tines.)

Redditt and Richmond resumed their surveillance of the Lorraine Motel from Fire Station No. 2 on April 4, 1968, at 10:30a.m. At approximately 12:50p.m. Redditt received a threatening telephone call from a female who stated that he was doing the black people wrong, and they were going to do him wrong. (Interview of Edward E. Redditt, April 10, 1968.)

At approximately 4:00p.m., Redditt was ordered by telephone to leave the fire station and report to headquarters where he was advised that threats had been made on his life. He was, therefore, ordered to move his family into a motel under an assumed name by Frank Holloman, former Director of Police and Fire, Memphis, Tenn. (Interview of Frank Holloman, September 15, 1976, App. B.) Redditt was taken home in a squad car, but refused to move his family because of a sick relative. At about the time the squad car arrived in front of Redditt's residence, it was announced on the radio that Dr. King had been shot. After a couple of days, Redditt did not hear any more about the threat on his life. (Interview of Edward E. Redditt, July 8, 1976, App. B.)

In our efforts to trace the source of the threat, we have found that Philip R. Manuel, an investigator with the Senate Investigating Committee, chaired by Senator McClellan was in Memphis on April 4, 1968. While at the MPD Manuel advised them based on a telephone call to his office in Washington, that the Senate Committee Staff had information from an informant in Mississippi that the Mississippi Freedom Democratic Party had made plans to kill a "Negro lieutenant" in Memphis. Manuel left Memphis on a 5:50p.m. flight to Washington and the next day (April 5, 1968) he telephoned the MPD and advised them that the threat was on the life of a "Negro lieutenant" in Knoxville rather than Memphis. (Report of Inspector G.P. Tines, July 17, 1968, supra.)

Philip R. Manuel neither has a present recollection of providing the information regarding the threat to the MPD, nor does he have a memorandum of the event. However, he confirmed that he was in Memphis and visited the MPD at the time stated and that his office did have a Mississippi source. Moreover, he said the events sounded familar and he believed the MPD records were correct. (Interview of Philip R. Manuel, September 28, 1976, App. B.)

Although Redditt was relieved from duty at Fire Station No. 2, Richmond remained there and continued to observe who entered and left the motel. At approximately 6:00p.m. Richmond saw Dr. King leave his room and walk to the handrail on the balcony. The Reverend Billy Kyles was standing off to Dr. King's right. An instant later Richmond heard a loud sound similar to a shot and saw Dr. King fall back from the handrail and put his hand up to his head. At approximately 6:01p.m. Richmond telephoned headquarters and reported that Dr. King had been shot. He was instructed to remain at the fire station. Richmond then yelled to members of a MPD tactical squad (which had stopped at the station a few moments earlier) that he believed Dr. King had been shot. He then ran to the front of the fire station and looked north and south on South Main Street, but did not see anyone running or walking, except the men in the tactical squad who left the fire station running in different directions. Shortly thereafter, Captain J.G. Ray arrived at the fire station and instructed Richmond to go to headquarters and make a detailed report of what he had seen. (Interview of Patrolman W.B. Richmond, April 9, 1968, supra.)

d. Details of Two Black Firemen from Fire Station No. 2.[*] As of April 3, 1968, Norvell E. Wallace and Floyd E. Newsum were the only black firemen assigned to Fire Station No. 2 of the Memphis Fire Department (MFD). Wallace was working the night shift on April 3rd and Newsum was scheduled to report for the day shift on April 4th. Both of these individuals actively supported the sanitation workers strike, attending their rallies and making financial contributions.

In our interview of Wallace (Interview July 8, 1976 App. B.) he stated that at about 10:00 or 10:30 on the night of April 3rd his captain told him that a call had come in requesting that a man be detailed to Fire Station No. 33. He was immediately detailed to No. 33 although it was raining and he was preparing to go to bed. Wallace further stated that while Fire Station No. 33 was understaffed as a whole, there was no shortage of personnel for the pump truck on which he worked. Otherwise, he does not know why he was detailed.

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[*] The details of the black firemen from Fire Station No. 2 is a second reason cited as a basis for the House Select Committee to investigate the assassination of Martin Luther King, Jr.

Also, on the night of April 3rd Fireman Newsum, in a wholly personal capacity, attended a rally at the Mason Temple where Dr. King made his last speech. When he returned home (about 10:30p.m.) there was a message for him to call Lt. J. Smith at the fire department. When he called, Lt. J. Smith ordered him to report to Fire Station No. 31 on the morning of April 4th rather than Fire Station No. 2. Newsum claims that Fire Station No. 31 was overstrength at the time and his detail made his company short. Moreover, he says he never has received a satisfactory explanation why he was detailed. However, he did say that Lt. Barnett at one time told him he was detailed at the request of the police. (Interview of Floyd E. Newsum, July 8, 1976, App. B.)

Interviews of past and present members of the MFD have failed to disclose the individual who initiated the order or the reason for detailing Wallace and Newsum. According to former Lt. Jack Smith, he received a telephone call between 3:00p.m. and 5:00p.m. on April 3, 1968, from either Captain James T. Baity or former Assistant Chief Arthur J. Rivalto in the personnel department specifically requesting that Newsum be detailed. No reason was given for the detail. Smith said he immediately called Newsum, but Newsum was not home. Therefore, Smith left a message for Newsum to call the fire station. Newsum called about 10:30p.m. and Smith advised him of the detail (Interview of Jack Smith, dated September 27, 1976).

Wallace's commanding officer, then Captain R.T. Johnson, likewise stated that he received a telephone call from someone in the personnel department requesting him to detail Wallace. However, Johnson has no present recollection of who the individual was that made the request. (Interview of R.T. Johnson, Deputy Chief, Memphis Fire Department, December 21, 1976, App. B.)

Neither Captain Baity nor former Assistant Chief Rivalto has any present recollection of the detail of Wallace or Newsum. Captain Baity indicated that any district chief could have ordered the men moved (Interview of James T. Baity, September 27, 1976, App. B). Also, former Assistant Chief Rivalto said the fire department shifted people around all the time when a company became understrength because of sickness, etc. (Interview of Arthur J. Rivalto, September 27, 1976, App. B).

Similarly, the former Chief of the MFD, Edward A. Hamilton, has no recollection of the details. He speculated that the men could have been detailed for a "fill in" to bring a company up to strength (Interview of Edward A. Hamilton, September 27, 1976, App. B).

The MFD Strenth Report-Firefighting Personnel for Shift "A", Battalions One and Eight, dated April 3, 1968 (attached to Reinterview of James R. Boatwright, October 20, 1976, App. B) show that Wallace's Company No. 2 at Fire Station No. 2 was operating at minimum strength (five men) after he was detailed; whereas Company No. 33 to which he was detailed operated at one over the minimum strength (four men) after the detail. Likewise, the Strength Report for Shift "B" for Battalions One and Two, dated April 4, 1968 (Also attached to the Boatwright interview of October 20, 1976) show that Newsum's Company No. 55 at Fire Station No. 2 was operating at minimum strength (five men) after the detail, but Company 31 to which he was detailed operated at one over the minimum strength (four men) after the detail.

However, former Deputy Chief James O. Barnett stated that the people on the security detail operating out of the fire station probably felt better without Wallace and Newsum around (Interview of James O. Barnett, September 27, 1976.) On the other hand, Assistant Chief James R. Boatwright explained that they were having a very tense situation at the time; that a number of threatening calls had been received at Fire Station No. 2; and that the consensus of opinion was that Wallace and Newsum were detailed for their own protection, since they were the only black firemen assigned to that station (Interview of James R. Boatwright, September 23, 1976).

In this connection MPD Patrolman Willie B. Richmond and former Detective Edward E. Redditt, who conducted the surveillance of Dr. King and his associates from the fire station, were recontacted and specifically asked whether they had requested that Wallace and Newsum be detailed. Both Richmond and Redditt denied that they made such a request or had knowledge of any one else in the police department making such a request (Reinterviews of Richmond and Redditt, September 28, 1976, App. B).

Our investigation has not disclosed any evidence that the detail of Wallace and Newsum was in any way connected with the assassination of Dr. King. However, the circumstances surrounding the details strongly suggest that both men were detailed because they supported the sanitation workers and were considered to be a threat to the security of the surveillance of Dr. King conducted from the fire station by Patrolman Richmond and Detective Redditt.

e. MPD Tactical Units- Their Deployment and Activities on the Evening of April 4, 1968. When the sanitation workers of Memphis began their strike in February of 1968, the MPD either organized or beefed up various tactical units. Generally, each of these units consisted of 12 law enforcement officers from the MPD and the Shelby County Sheriff's Department.

These units were organized for the purpose of avoiding riots which other cities, such as Detroit, had experienced (Interview of Frank Holloman, former Director of Fire and Police for the City of Memphis, September 15, 1976, App. B). Documents obtained from the State's Attorney General (Item 9 from MPD Miscellaneous Records) show that on the evening of April 4, 1968, at the time Dr. King was shot, there were nine tactical units in service at various locations as follows:

Tact Unit No.	Street Locations
6	Thomas and North Parkway
8	Jackson and Watkins
99	Chelsea and Watkins
10	Main and Butler
11	Georgia and Orleans
12	Trigg and Latham
13	Bellevue and Effie
17	Union and Bellevue
18	Fourth and Gayoso

In addition to the tactical units, the documents obtained from the State's Attorney General show that there were ten regular police cars (with 3 to 4 men per car) in the general area of the Lorraine Motel. These cars were at the following locations at the time Dr. King was shot:

Car No.	Street Locations
224	Main and Beale
228	Third and Poplar
232	Fourth and Butler
230	Union and Front
236	Third and Belz
245	Second and Gayoso
247	Crump and Barton
365	Lamar and Bellevue
367	Poplar and Cleveland
369	Linden and East

The map (Part of Item 9 from MPD Miscellaneous Records, see App. A, Ex. 1) shows that Tact Units 10 and 18 were within a radius of one mile of the crime scene (200 block of Mulberry Street) at the time of the shooting; and Tact Units 6,11 and 12 were within a radius of two miles of the scene. Tact Units 7,14,15 and 16 were located outside the boundaries of the map and are not shown. Cars number 224,230,232,245 and 247 were within a radius of one mile of the scene and cars number 228 and 369 were within a radius of two miles. However, cars number 236,365 and 367 were outside the boundaries of the map.

Particular emphasis is given to Tact Unit 10 and the activities of its men, as this unit was located at Fire Station No. 2 (S. Main and Butler) at the time of the shooting. On the afternoon of April 4, 1968, Tact Unit 10, consisting of three cars and 12 men stopped at Fire Station No. 2 for a rest break at approximately 5:50p.m. The unit was commanded by Lt. Judson E. Ghormley of the Shelby County Sheriff's Department. The other members of the unit included Deputies W.A. DuFour, W.J. Berry, Vernon Dollahite, R.N. Baker and Ronald Maley of the sheriff's department; and Patrolmen Carroll Dunn, William Gross, Jason Morris, Barney Wright, Emmett Douglass and Torrance Landers of the MPD.

Interviews of the above named men indicate that when the unit arrived at the fire station, the cars were parked on the north side of the fire station entrance with the lead car actually obstructing the sidewalk. The second car was parked directly behind the lead car and the third car was double parked alongside these two cars. (MPD Statements, State v. James Earl Ray, DuFour p.1449; Berry p.1450; Ghormley pp.1451 and 1532; Dollahite pp.1455 and 1505; Dunn p.1457; Gross p.1460; Morris p.1463; Wright p.1466; Baker p.1468; Douglass p.1469; Landers p.1471 and Maley p.1480.)

While Patrolman Douglass remained with the lead car to monitor the radio, all of the other men went into the fire station to take a break. When the shot was fired that killed Dr. King (at approximately 6:01p.m.), these men were at various locations in the fire station drinking coffee, making telephone calls, etc. Patrolman Richmond, who was manning the surveillance post in the rear of the station, yelled throughout the station that Dr. King had been shot. The members of the tact unit, some of whom had heard the shot, all ran out the north side of the fire station and then east toward the rear of the fire station and the Lorraine Motel. (See diagram of crime scene, App. A. Ex. 2).

Patrolman Douglass, who had remained in the lead car to monitor the radio, heard the shot when it was fired. He immediately got out of the car and ran toward the rear of the fire station with the other men. After Patrolman Douglass realized what had happened, he returned to the lead car, along with Patrolman Wright, and radioed the dispatcher that Dr. King had been shot. Douglass and Wright then drove the lead car south on S. Main to E. Butler, east on E. Butler to Mulberry and north on Mulberry to the entrance of the Lorraine Motel. Douglass and Wright later drove the car, accompanied by one or two other unidentified officers, north on Mulberry to Huling, west on Huling to S. Main and south on S. Main to the front of the buildings located just north of the fire station. */

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*/ There are conflicts in the statements of Douglass, Wright and Ghormley. Douglass stated that Ghormley and other unidentified officers got in the car with him at the fire station and they drove to the Lorraine Motel. According to Wright's version, he and Douglass left the fire station together and picked up one or two other unidentified officers at the Lorraine Motel. On the other hand, Ghormley claims he turned around at the concrete wall at the rear of the fire station and ran to the front of the station and then north on S. Main Street.

The other men in the tact unit continued to the rear of the fire station to a concrete retaining wall abutting Mulberry Street. DuFour, Dollahite, Morris, Baker, Landers, Maley and Dunn climbed down the concrete wall and ran across Mulberry Street to the Lorraine Motel. DuFour and Morris ran up the stairs to the balcony where Dr. King's body lay. The people there said the shot had come from a red brick building north of the fire station on S. Main Street. While DuFour remained with Dr. King's body until the ambulance came, Morris ran north on Mulberry to Huling and west on Huling to the north side of the buildings facing S. Main Street. Another officer (probably Maley or Dunn) was already at that point, and Morris stopped there to assist him in securing that area.

Baker ran to the Motel balcony where DuFour was standing beside Dr. King's body. He then ran back to Mulberry St. and ran north for a distance to an alley. Baker ran into the alley looking for anything suspicious. He noticed that other members of the tact unit were securing a building (probably the building with its north end on Huling). Therefore, Baker went to the corner of Mulberry and E. Butler and took up a position there.

After Landers learned the direction the shot came from, he found a 55-gallon drum and climbed back up the concrete retaining wall on Mulberry St. into the lot on which the building where the shot was fired is located. Landers observed that the bathroom window was partially opened and he saw an elderly white male come up to the window and look out. He ordered him to get back from the window. Landers also saw an elderly white female looking out a window directly south of the bathroom window. He ordered her to get away from the window. Landers also checked the bushes on the lot for evidence and checked the entire area for footprints. After other officers arrived, Landers and another MPD officer climbed onto the roof of a one story building which backs up to Mulberry St. This building runs along the north side of the building whence the shot was fired. Finding nothing on the roof, they came down and started up an alley leading to a basement. About 10 feet up the alley they found two fresh footprints in the mud. Landers guarded these footprints until homicide detectives arrived on the scene. Subsequently, a plaster case was made of each footprint. However, the footprints were never positively identified by either the MPD or the FBI.

Upon learning where the shot was fired from, Dollahite and Maley ran out of the motel courtyard, turned north on Mulberry to Huling and west on Huling toward S. Main. Maley stopped in the center of the block and began guarding the north end of the building. However, Dollahite continued running (with gun drawn) to S. Main and turned south on S. Main. Dollahite noticed a number of patrons in Jim's Grill at 418 S. Main. He ran into the cafe and ordered everyone to remain seated and not to leave. Dollahite then stopped momentarily at Canipe's Amusement Company located at 424 S. Main where he observed a green bed spread lying in the doorway partially covering a blue suitcase and a box containing a rifle. As he continued down S. Main a short distance near a fenced-in parking area, Dollahite observed Lt. Ghormley and another officer coming north on S. Main. Dollahite turned around at that point and walked back to Canipe's store ahead of Lt. Ghormley and then crossed the street for the purpose of securing the front of the building. After he took up his position, Douglass and Wright drove up in the lead car.

Other officers who did not climb down the retaining wall at the rear of the fire station and run to the motel are Ghormley, Gross and Berry. After running to the retaining wall and observing the people pointing to the building on S. Main St., Berry came back to the fire station entrance, jumped in a cruiser and drove north on S. Main to the first intersection at Huling where he stopped the car in the street and secured that area.

Ghormley and Gross also returned to the front of the fire station after first running to the retaining wall. They both turned north on S. Main and ran toward Huling. Ghormley stopped at Canipe's Amusement Co. where he observed what appeared to be a blanket partially covering a blue suitcase and a Browning rifle box with about a foot of the barrel of a rifle exposed.

The apparent discrepancies in the statements of Ghormley and Dollahite can be accounted for only by the mass confusion which must have occurred immediately after the shooting. However, it appears that Dollahite first observed the bundle while running south on S. Main with his gun drawn. But, he continued past Canipe's Amusement Company and after he saw Ghormley and the other officer coming north he turned around and took up a position on the opposite side of the street from Canipe's.

Guy H. Canipe, the owner of Canipe's Amusement Co., informed Ghormley that a white male had just dropped the bundle in front of his door a minute or two earlier and had run south on S. Main. Ghormley radioed this information to headquarters and stood guard over the articles. Shortly thereafter, Canipe told Ghormley that a white Mustang automobile had left the area at a high rate of speed after the bundle was dropped. Ghormley also radioed this information to headquarters.

According to the transcript of the MPD radio tapes (MPD James Earl Ray Supplements, Attorney General's copy, Supplement 79, p.1714) Tact Unit 10 advised the dispatcher that Dr. King had been shot at the Lorraine Motel at 6:03p.m. By 6:06p.m., the dispatcher had ordered a circle formed around the Lorraine Motel and the buildings west of the motel on S. Main. Moreover, patrol cars and other Tact Units had begun to arrive on the scene. At 6:07p.m. Tact Unit 10 advised the dispatcher that the weapon was in front of 424 S. Main and that the subject ran south on S. Main. At 6:08p.m. the subject was described as a well-dressed,young, white male. At 6:10p.m. the dispatcher relayed information from Tact Unit 10, that the subject had left the area in a late model white Mustang.

The men in the Tact Units and patrol cars kept the area sealed off, directed traffic, and checked out suspicious individuals while detectives from the Homicide Squad investigated the scene. Inspector Nevelyn E. Zachary of the MPD Homicide Squad arrived at the Lorraine Motel at approximately 6:15p.m., and by 6:30p.m. he had taken custody of the bundle of articles found in the doorway of Canipe's Amusement. Zachary turned the bundle, except for a tee shirt and pair of shorts, over to the FBI at about 9:30 or 10:00p.m. The tee shirt and shorts were also turned over to the FBI after the laundry marks were checked with local laundries (Interview of former Inspector Nevelyn E. Zachary, September 15, 1976, App. B).

B. The FBI Investigation Of The Assassination

1. The Department of Justice Response and FBI Performance

a. The Murder. At approximately 6:00 p.m. on April 4, 1968, Dr. Martin Luther King, Jr., was standing on the balcony outside of his room at the Lorraine Motel in Memphis, Tennessee. Moments later, Dr. King was shot by a high power rifle and then rushed to St. Joseph's Hospital. At 7:05 p.m. he was pronounced dead. The cause of death was a bullet wound which tore the major neck blood vessels and severed the spinal cord at the root of the neck (Memphis 44-1987 Sub sec. 1-13, and see autopsy report, App. A, Ex. 3).

b. Top Priority Investigation Ordered. The Memphis Police Department was immediately aware of the King assault and promptly notified the FBI Memphis Field Office headed by SAC Robert G. Jensen. SAC Jensen telephonically relayed the information to Washington where Director Hoover and Attorney General Clark were informed. The Memphis Field Office was directed on the evening of April 4, 1968 to immediately conduct a full investigation of the matter as a possible violation of 18 U.S.C. 241, the civil rights conspiracy statute (HQ 44-38861-109).

This directive soon became national in scope with SAC's in all FBI Field Offices being ordered by teletype on April 7, 1968, to participate and conduct a top priority investigation under their personal supervision. This meant all leads were to be afforded immediate, thorough and imaginative attention and all possibilities from such leads exhausted. Also, 24 hours was set as the period after receipt of a lead within which the investigation and reporting must be completed. All SAC's were to bear personal responsibility for any failure to handle the investigation (HQ 44-38861-153).

c. Progress of the Investigation. The breadth of this top priority investigation is repeatedly evidenced in the Murkin files. All informant sources - racial, security and criminal - were immediately alerted and contacted for information. The KKK and other hate groups as well as individuals known to have violent proclivities were checked. The files were checked for prior threats against Martin Luther King, Jr. (HQ 44-38861-2649). Name checks were continuously being made on Selective Service records, city and telephone directories, drivers license bureaus, motor vehicle divisions, financial institutions, credit records, criminal and civil records, marriage licenses, public utility rolls, unions, common carrier passenger lists and more (e.g. HQ 44-38861-233).

(1) Bessie Brewer's Rooming House. Key information was developed early at Bessie Brewer's Rooming House whence

the shot was fired. Bessie Brewer, Charles A. Stephens and William C. Anchutz were interviewed and a physical description of a suspect was obtained.

Bessie Brewer, resident manager of the rooming house, explained that a "John Willard" registered with her April 4, between 3:00 p.m. and 3:30 p.m. He was first directed to Room 8, but rejected it because it had a stove and refrigerator. Instead, he asked for a sleeping room only and accepted Room 5-B in the rear of the hostelry. This room provided a window with a view of Dr. King's room at the Lorraine Motel. Mrs. Brewer described the new tenant as a white male approximately 35 years of age, 5'11" to 6' tall, weighing 180 pounds with a medium build and presenting a neat clean appearance (Memphis 44-1987 Sub Sec. 1-15).

Stephens, who was in his room on the afternoon of April 4, remembers hearing footsteps between Room 5-B and the bathroom. He also remembers the bathroom being occupied for considerable periods of time - 20 to 30 minutes - without water running or the toilet being flushed except for the last visit. This last visit ended when he heard what he is certain was a gun shot. Interrupted by the shot, Stephens opened his door to the hallway to see a man running down the hallway carrying a large wrapped bundle. As this man ran down the hall in the direction of Anchutz, Stephens recalls believing that he had seen this person earlier that afternoon with Mrs. Brewer. Stephens described him as a white male of average build, in his 30's, 5'10" to 11" tall, weighing 165 pounds and wearing a dark suit presenting a neat clean appearance (Memphis 44-1987 Sub A sec. 1).

Like Stephens, Anchutz was a resident of the rooming house and in his room at the time of the shooting. Also like Stephens, Anchutz occupied a room adjacent to "John Willard." He recalls watching television in his room that afternoon when he heard a gun shot. Immediately, he went to the door and as he opened it saw a man running toward him. This man covered his face as he ran and carried a blanket wrapped bundle. Anchutz addressed the man, saying: "I thought I heard a shot." The man responded: "Yeh, it was a shot." Anchutz described the man as 6' tall with a slim build and in his 30's (Memphis 44-1987 Sub A sec. 1).

(2) Canipe Amusement Company. The Canipe Amusement Company is located at 424 South Main Street and is just a short distance from Bessie Brewer's Rooming House at 422½ South Main Street. In the recessed entrance to Canipe Company a blanket wrapped bundle (presumably the bundle Stephens and Anchutz saw) containing valuable pieces of physical evidence was recovered shortly after the shooting.

The store owner, Guy W. Canipe, and two customers, Bernell Finley and Julius L. Graham, were in the store at the time of the assassination. Each was interviewed by the FBI and described hearing a "thud" which drew their attention, and as they looked to see what had happened, they observed the blanket wrapped bundle in the entrance. At the same time, they saw a man dressed in a dark suit walking rapidly south on the sidewalk away from the bundle. A few moments later, they said, a white compact automobile - possibly a Mustang - proceeded north on South Main Street at a high rate of speed. The male was described as white, approximately 30 years of age with a medium build, 5'10" to 6' tall and weighing 160 to 180 pounds. (Memphis 44-1987 Sub A sec 1).

The bundle, after being discovered at Canipe's doorway by a member of a Memphis Police Department Tactical Squad, first came into the custody of Inspector Zachary of the Memphis Police Department's Homicide Bureau. Later in the evening of April 4, 1968, between 9:00 p.m. and 10:00 p.m., Inspector Zachary delivered the bundle to SAC Jensen who immediately had it flown by agent courier to Washington for laboratory examination (Memphis 44-1987-610). The bundle contained a Model 760 Remington Gamemaster rifle, 30-06 Springfield caliber, and a blue zipper bag. The bag contained various toilet articles along with a pair of men's underwear with laundry tags, a pair of binoculars, two cans of beer, and a paper bag bearing an advertisement for York Arms Company, Memphis, Tennessee, with a York Arms Company cash sales receipt dated April 4, 1968 (Memphis 44-1987 Sub A sec 1).

(3) Information and Physical Evidence Tracked. The investigation continued with emphasis on tracing all physical evidence and information received. To this end a search of all Memphis area hotels and motels was initiated for the source of the blanket and bar of soap found in the blue zipper bag. Also, registrations at area inns were examined for the unknown suspect who fled the rooming house and who might be driving a white compact automobile. At the same time, the rifle, scope, binoculars, cans of beer, laundry tags and other items were tracked (HQ 44-38861-139).

The rifle and scope were quickly traced to the Aero Marine Supply Company in Birmingham, Alabama. The rifle was sold to a "Harvey Lowmyer" March 30, 1968. The scope, along with a second rifle, was purchased March 29, 1968, but "Lowmyer" exchanged this rifle the following day for the one recovered at the Canipe Amusement Company. According to the Aero Marine salesman, "Lowmyer" explained that he talked with his brother and was advised a more powerful rifle was necessary for deer hunting in Wisconsin. However, a laboratory examination of this returned rifle revealed that it was clogged with cosmoline (a heavy grease firearm preservative) and could not be loaded and readied to fire (HQ 44-38861-432). The salesman also provided a physical description of "Lowmyer" which matched those previously obtained (HQ 44-38861-180).

The paper bag and the sales receipt from York Arms Company led agents to the Memphis store where the binoculars were purchased. The York Arms salesman explained that he sold the pair of binoculars at approximately 4:00 p.m. April 4, 1968, to a white male matching the descriptions previously obtained (Memphis 44-1987 Sub A sec. 1). By checking the manufacturer's can codes and distribution records, the two beer cans were traced to Southhaven Minnow Shop, Southhaven, Mississippi (HQ 44-38861-1360).

The center of the investigation shifted from Memphis to Birmingham on April 9, when the search of Memphis inns focused on the Rebel Motel and the April 3 registration record of an Eric Starvo Galt. It was already known that the rifle and scope were purchased in Birmingham and the Galt registration also pointed to Birmingham. The registration record aroused interest because Galt registered for the night of April 3 only, listed a Birmingham address and drove a Mustang with Alabama license plates, (HQ 44-38861-1180).

The possibility of a link between Eric Starvo Galt and the unknown subject was pursued in Alabama by the Birmingham and Mobile offices. In their pursuit they learned that on August 29, 1967, Galt purchased a 1966 white Mustang automobile. The Bureau agents also learned that the State of Alabama issued a motor vehicle operator's license in October 1967 to Eric Starvo Galt, 2608 Highland Avenue, Birmingham, Alabama. The physical description obtained from this license matched those previously received: white male, born July 20, 1931, 5'11" tall, 175 pounds with blue eyes and brown hair (HQ 44-38861-1180).

When the investigation moved to Galt's Birmingham address it was learned that Galt lived there in late August until early October 1967. Because of the length of this contact, emphasis was placed on developing information on Galt's background. Significantly, it was learned that during his Birmingham sojourn Galt expressed an enthusiastic interest in dancing and attended dancing school there (HQ 44-38861-607).

(4) Los Angeles. Soon after the Birmingham connection was uncovered Los Angeles became a focal point in the investigation. The significance of Los Angeles became apparent April 11, with the knowledge of four facts.

One, when on April 11, 1968, the Bureau located Galt's abandoned Mustang in Atlanta a search of it indicated that

Galt had had it serviced twice in the Los Angeles area (HQ 44-38861-989).

Two, also incident to the search of the Mustang a fragment of cardboard torn from a Kleenex box was found. On it were the names and Los Angeles addresses of Anita Katzwinkel and Ginger Nance (HQ 44-38861-989).

Three, laundry markings from the recovered underwear were tracked to Home Service Laundry and Dry Cleaning, Hollywood, California (HQ 44-38861-885). The following day agents learned that the name Eric Starvo Galt appeared in the laundry's records.

Lastly, a pair of pliers recovered from the blue zipper bag were traced to the Rompage Hardware Store which is within five blocks of Home Service Laundry and Dry Cleaning (HQ 44-38861-1174).

Since it was known that while in Birmingham Galt pursued an interest in dancing, all dance schools in the Los Angeles area were checked. Galt's name appeared in the records of the National Dance Studio, Los Angeles. (44-38861-1293).

Eventually, the dance studio contact proved to be most important because it was through an interview with the dance studio owner that a photograph of Eric Starvo Galt was finally obtained. The owner keyed the agents to an interest

Galt had expressed in attending a bartending school (HQ 44-38861-1066). Checking the area, the International School of Bartending was located and it provided Galt's graduation photograph. For the first time, agents were able to see and distribute a photo of their subject. To be sure of maximum dissemination, the photo was circulated among the news media (HQ 44-38861-967).

While in Los Angeles Galt first lived at the Serrano Apartments and later at the St. Francis Hotel. Persons contacted at these locations called him a "loner" and described him as a person who kept to himself. A departure from this characterization, however, was reported by Charles Stein who, at no expense to himself, rode with Galt in the Mustang from Los Angeles to New Orleans and return.

Stein explained that he and his sister Rita Stein met Galt through their cousin Marie Martin who was working as a bar maid at the Sultan Bar located in the St. Francis Hotel. Galt had mentioned to Martin that he was planning to drive to New Orleans and she asked if he would be willing to give her cousin a ride there in order to pick up her children. He agreed, but it was Charles and not Rita who went along with Galt (HQ 44-38861-1117).

Notwithstanding the information Stein provided, the investigation moved no closer to locating Galt. New Orleans was scoured for clues and although Galt's hotel and room were located the effort was fruitless (HQ 44-38861-1197). Stein also stated Galt made several telephone calls from pay telephones along the way but an exhaustive search of countless telephone records, numbers and subscribers produced nothing (e.g. HQ 44-38861-3857). Lastly, Stein explained that Galt conditioned the ride to New Orleans on Charles Stein, Rita Stein and Marie Martin joining George Wallace's American Independent Party. Each joined but again the ensuing investigation of this lead learned nothing (HQ 44-38861-1003).

(5) Atlanta. On April 11, 1968, a citizen call came through to the Atlanta Police Department reporting the missing white Mustang. According to this caller and another person, both interviewed by the FBI, the abandoned Mustang was parked shortly before 9:00 a.m. April 5, 1968, by a lone man matching Galt's description. The discovery of Galt's Mustang immediately caused agents to seek out any additional contacts by Galt in Atlanta (HQ 44-38861-989).

Because Galt was believed to use low cost rooming houses all such establishments were contacted for any sign of him. Success was found at Jimmie Dalton Gardner's Rooming House where Galt registered March 24, 1968. Although Galt was nowhere to be found, he had left evidence behind. Found in his room were a booklet, "Your Opportunities in Locksmithing" and a collection of maps. One of these maps was of the city of Atlanta with the residence of Martin Luther King, Jr., and the headquarters of SCLC circled (HQ 44-38861-967).

Other evidence of Galt's presence in Atlanta was received from the Piedmont Laundry where records showed he picked up laundry April 5, 1968 (HQ 44-38861-3627).

(6) Galt Identified as James Earl Ray. Knowing that Galt returned to Atlanta after the assassination all conceivable modes of transportation in, around and out of Atlanta were checked (HQ 44-38861-907). However, Galt's trail was cold; there was no evidence as to where he fled from Atlanta.

The Bureau became worried because with each passing hour Galt's chances of avoiding capture became better and better. Therefore, the investigative emphasis shifted from following Galt's trail to identifying Galt. In an effort to accomplish this the Bureau initiated a comparative search of three identical latent fingerprints believed to be Galt's (one fingerprint was recovered from the rifle; a second from the binoculars; and a third from the map of Atlanta found in Galt's room) against fingerprints of white male fugitives. To be sure, the limitation to fugitives was purely speculative.

However, the speculation paid off when on April 19, 1968, James Earl Ray's fingerprint card compared identically (HQ 44-38861-1575).

With the discovery that Eric Starvo Galt was James Earl Ray, the investigation was redirected to a search of Ray's whereabouts since the time of his April 23, 1967, escape from Missouri State Prison. Through the months of April and May the Ray-Galt steps were traced. Eventually, the Bureau was able to account for Ray's whereabouts almost continuously since his escape. Nevertheless, his trail remained cold beyond Atlanta on April 5, 1968 (HQ 44-38861-3509; and see Chronology infra).

In connection with their search, Ray's family was identified, located, physically surveilled and periodically interviewed for information (E.G., HQ 44-38861-3987). Also, prison inmates and associates were queried (e.g. HQ 44-38861-3502) as well as his military record perused (HQ 44-38861-1616). But, no clues developed. Ray's family said they knew nothing; they had not heard from nor been in contact with James and did not know of his whereabouts (Chicago 44-1114-27). Prison inmates and associates told tales of bounties offered for the death of Dr. King but exhaustive investigations could not substantiate their claims (e.g., HQ 44-38861-3767).

Frustrated, the Director prepared a memorandum for the

Attorney General dated May 13, 1968 in which he explains that extensive investigation has not resulted in any new developments beyond Atlanta, April 5. Therefore, the Director requested authorization for telephone and microphone surveillance on Ray family members. The request, however, was never acted upon (HQ 44-38861-3509).

(7) Passport Search. From an interview with a former cellmate of Ray's at Missouri State Prison it was learned that Ray appreciated the ease with which a person living in Canada could obtain a false passport (HQ 44-38861-3889). Though it is not clear that the cellmate's comments precipitated a search of Canadian passports issued since Ray's April 23, 1967 escape, it is known that on the request of the FBI Legat in Canada such a search was conducted by the Royal Canadian Mounted Police. A passport search was also conducted in Mexico and the United States (HQ 44-38861-4445).

Though the search went through a staggering number of applications and was based on the comparison of Ray's photograph to those submitted with the application, it proved to be the necessary break in picking up Ray's trail. At 9:30 p.m. June 1, 1968, The Legal attache, Ottawa, Canada, called the Bureau to advise that after reviewing some 175,000 applications the RCMP located a passport issued

April 24, 1968 under the name Ramon George Sneyd which contained a photograph very definitely similar to Ray (HQ 44-38861-4190).

The passport was filed by the Kennedy Travel Agency in Toronto, Canada. Incident to their investigation, the Royal Canadian Mounted Police contacted the travel agency and obtained a hand printed note from Sneyd concerning his application. The note together with the passport photo and a latent palm print were forwarded to the Bureau for laboratory examination which concluded that Ray and Sneyd were the same person (HQ 44-38861-4262, 4263).

(8) Ray Apprehended. The Kennedy Travel Agency also provided information that Sneyd purchased a round trip air ticket from Toronto to London departing May 6 and returning May 21, 1968. But New Scotland Yard determined that Sneyd turned in the return portion of the fare and received a May 7, 1968 ticket to Lisbon, Portugal plus a $14.60 voucher (HQ 44-38861-4319).

Immigration authorities in Lisbon were immediately contacted. It was learned that Ray had entered Lisbon May 7 but had exited for London May 17, 1968 (HQ 44-38861-4725).

Stops were issued by New Scotland Yard for Sneyd. At 11:15 a.m., June 8, 1968, Ray was apprehended by officers of

New Scotland Yard while he was passing through British immigration offices in the London Airport. At the time he was planning a flight to Brussels, Belgium (HQ 44-38861-4616).

2. Alleged Conspiracies

Literally scores of alleged conspiracies were communicated to the Bureau. From the date of the assassination in April, 1968, even up to this date, the FBI has been approached by numerous persons with stories which purport to identify a conspiracy to kill King. These stories involved the widest range of perpetrators and participants as well as motives. To the extent that these leads were pursued, the Bureau was put in the rather difficult position of conducting an investigation which ranged far beyond the concrete evidence that had already been obtained. When the leads were in fact bogus ones, the FBI was attempting to prove a negative in each reported case. With a controversial figure, such as Dr. King, the possibilities of conspiracy were numerous. Consequently, the Bureau's credibility would necessarily be strained, given its past relationship with the civil rights leader, unless each story was disproved. Yet the Bureau attempted to cover each lead.

As previously stated, each SAC was held personally responsible for an expedited and thorough review.

Based on our review of the files, the task force is satisfied that the FBI did a credible and thorough job in attempting to identify any possible conspiracy or persons who could have been involved in the murder. In each of the allegations received, the Bureau immediately interviewed the person who was the source of the allegation where this was possible (i.e. where the source was not anonymous). In situations where the complaint was not an obvious hoax the Bureau then attempted immediately to identify the alleged participants and interview them. Where there was not a satisfactory explanation to dispel the allegation concerning such matters as whereabouts or associations, the Bureau then would check further. This does not mean that every allegation was pursued to the ultimate degree. Judgment based on experience dictated many of the decisions.

These judgments were also tempered by a critical factor. Within fifteen days after the murder, the FBI was convinced that Galt and Ray were the same person, that this individual purchased the rifle, rented the room across from the Lorraine Motel, and fired the shot that killed Dr. King. While there were many other people who were antagonistic toward Dr. King and many who had apparently discussed killing him, any successful conspiracy would have to have involved Ray based on the evidence at hand. In all the years following the assassination, the investigation has failed to reveal any connection between any alleged conspirator(s) and James Earl Ray including those alleged by Ray himself. Indeed, the overwhelming evidence indicates that Ray was almost totally alone during the year after his escape from the Missouri State Prison.

We have not addressed here the Bureau's handling of particular conspiracy leads because of the large number of allegations involved. Bureau files can be checked for each reported lead and the resulting investigation on that lead traced to its conclusion.

C. The Story of James Earl Ray

1. Chronology of Ray's Activities On and After April 23, 1967

April 23, 1967

On Sunday, the 23rd of April 1967, after he had served seven years of a twenty year sentence for armed robbery in the Missouri State Penitentiary at Jefferson City, James Earl Ray escaped. When a truck appeared at the prison bakery where Ray worked, a bread box was carried onto the truck to be delivered to a nearby prison farm. Ray had concealed himself inside the bread box, and later fled from the prison truck at a stop prior to its reaching the Renz prison farm. (3503; Huie, pp.24-27.) [*/]

April 24-28

Ray allegedly headed first toward Kansas City (Huie, p.27). On the third day he burglarized a trailer sitting by the Missouri River taking a blanket and food (Huie, p.27). For the next three nights he made his way along the railroad in the direction of Kansas City

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[*/] Ray has provided varying accounts of his escape from prison and of his subsequent activities prior to apprehension. The task force's most credible view of his statements has been used here. These admissions of Ray are found in He Slew the Dreamer, Huie, William Bradford, Delacorte Press, New York, 1968 (hereinafter, Huie); All other citations herein are for serials in the Bureau's MURKIN file, HQ 44-38861. The task force has obtained xerox copies of Ray's correspondence with Mr. Huie which reflect the admissions cited by Huie.

to a city large enough so he would not be noticed and took a train to St. Louis. He then took a taxicab to East St. Louis, called a friend who drove him to Edwardsville whence he caught a bus for Chicago (Huie, p.28).

On May 3rd, Ray secured work for the next eight May 3
weeks as a dishwasher and cook's helper at the Indian
Trail Restaurant in Winnetka, Illinois, and resided at
2731 North Sheffield in Chicago under the name John L.
Rayns. He purchased a 1959 Chrysler automobile from
a private owner on June 5th for $200 (5448). On June 5
June 9th, he failed a driver's test, but passed the June 9
test on June 12th (5394). Ray moved from his June 12
Sheffield address to 1648 Lunt Street on June 17th June 17
where he paid one week's rent (5118). Ray was issued
a driver's permit in the name of John L. Rayns for the
State of Illinois on June 21st (5394). During the week June 21
of June 19th Ray left his job, and requested that his
final paycheck be forwarded to the Lunt Street address,
which it was (5118).

Thereafter, on July 14, Ray purchased a 1962 July 14
Plymouth automobile from a commercial dealer in East St. Louis, Illinois, and transferred the licensed plates from the Chrysler to the Plymouth (5413; Huie, p.39). Leaving East St. Louis on July 15, Ray proceeded

to Montreal, Canada, via Indianapolis, Detroit and July 15
Windsor (Huie, p.40). His prime objective was
allegedly to secure a Canadian passport (idem p.41).
As John L. Rayns, he registered for an overnight
stay at the Bourgard Motel in Dorion, just west of
Montreal (idem, p.43; 5437x).

Next, Ray first used the alias Eric S. Galt July 19
when he signed a six month lease for an apartment
in the Harkay Apartments, 2589 Notre Dame East, in
Montreal (2192; Huie, p.43). Ray then allegedly
held up a food store stealing $1700 (Huie, p.47).
The following day he spent $300 for new clothes at the
Tip Top Tailors, 488 St. Catherine West, had his hair
cut and a manicure at the Queen Elizabeth Hotel (Huie,
p.48). He also ordered on July 21st a $75 tailor-made
suit at the English and Scotch Woolen Company (4692).
(A month and a half later, by a letter from Birmingham
dated September 6, 1967, this tailoring company was
instructed by Ray to send the finished garment to him
at his then Birmingham address.) Three days later Ray July 24
ordered three sex books from Futura Books, Inc., in
Inglewood, California, (2192), and on July 28th, he July 28
enrolled in a correspondence course at the Locksmithing
Institute, Little Falls, New Jersey (2068). Both matters
were paid by Canadian money orders.

Ray vacationed, beginning July 30th, at the Gray Rocks Inn on Lake Ouirmet in the Laurentian Mountains seeking, according to Ray, contact with a respectable woman to vouch for him on a passport application. He was "picked up" by a female Canadian Government employee and her girlfriend and spent the next few days with them before leaving on August 7th; The two women followed, stayed overnight with Ray in Montreal on August 7th, and then returned to their residences in Ottawa (Huie, pp.51-53; 5402). On August 9th, he purchased by money order a formula for making glass for a two-way mirror (2192). Then, on August 19th, Ray visited the government employee in Ottawa, but did not importune her to assist him on his passport application (Huie, p.54).

July 30-
August 5

August 7

August 9

August 19

During the approximately two and one-half months of Ray's stay in Canada he relates meeting an underworld character named "Raoul". After negotiations, Ray stated to author Huie, that he engaged in smuggling operations with "Raoul" and then proceeded to Birmingham to meet "Raoul" at the latter's direction. Meanwhile, he stayed at the Town and Country Motel, Ottawa, from August 18th to August 20th (5502). Whatever may be

"Raoul"
contact
dates July 18-
Aug. 8 & through
Aug. 18

Aug. 18-20

the truth of the story, Ray left Montreal, met his
brother at Northbrooke, Illinois, gave his Plymouth
car to his brother Jerry Ryan, (5413), proceeded
from Northbrooke or Chicago to Birmingham, stayed
August 26th at the Granada Hotel, 2230 Fourth August 26
Avenue as John L. Rayns (5400; Huie, p.61), and that
same day also took a room in the name Eric S. Galt
at the Economy Rooms, 2608 Highland Avenue (2324). August 28
Two days later Ray, as Galt, giving the Highland
Avenue address, rented safety deposit box No. 5517
at the Main Office, Birmingham Trust National Bank
(2323; Huie, p.62). The access record on this
box shows entries at 2:32p.m. on August 28; from
1:52p.m. to 1:56p.m. on September 5; from 11:05
to 11:08a.m. on September 21; and from 10:16a.m.
to 10:19a.m. on September 28 (2323).

The purchase of a white 1966 Ford Mustang was August 29-30
accomplished at the end of August by answering a
newspaper ad on the 29th of August and paying $1995 in
cash to William D. Paisley on the 30th (628). All
this checks with the car purchase chronology Ray
himself admitted to author William Bradford Huie
(Huie, pp.61-63; Ray's self-serving attribution of
"Raoul" as the one who directed him to buy the car
and who supplied the cash is uncorroborated).

September 6

Ray as Eric Starvo Galt, applied for and was issued Alabama driver's license No.2848947 (4143). The signature matches the other handwritings of the same name (4143). At some point during his stay in Birmingham, Ray purchased a .38 revolver which was found on his person on his arrest in Heathrow Airport, London, England (1422).

September 12

September 26

On September 12th, Ray enrolled for 5 weekly dance classes at the Continental Dance Club Studios (2324). The Modern Photographic Book Publishing Co. Inc., of New York City received a coupon order from Eric S. Galt for a photo book (633) and a letter by Ray as Galt written September 26, asking that the book not be sent as he was moving and would give the changed address later (4143). The handwriting was identical with Ray's (4143).

September 28

Ray purchased a bank draft from the Exchange Security Bank, 5 points' South Branch, Birmingham payable to the Superior Bulk Film Co. of Chicago and this accompanied an order on that company for a Kodak Super 8 movie camera, a projector, a splicer and a 20 foot remote control cable; price $337.24 (1135). Then Ray typed a note to the film company seven days later in which he acknowledged receipt of the items he had ordered but returned the movie camera as the wrong one; he stated he was leaving for Mexico on October 7, and would send a new address to which the correct movie camera could be forwarded (4143). On September 30th, Ray paid only for his room (2118).

Ray, as Galt, was issued Alabama license tags October 6
No.1-38993 for 1968. He left Birmingham for Mexico
on October 6 (Huie, p.66). On the 8th of October, October 8
Ray purchased a 30 day Mexican auto insurance policy October 10
(1904). He reached Acapulco on October 10th, proceeded October 15
to Guadalajara on October 15th and left there on
the 18th for Puerto Vallarta, Jalisco, Mexico, October 18
arriving in Puerto Vallarta on the 19th (5496). He October 19
registered in Room 212 of the Hotel Rio at Morelos 86
on this date; his "Galt" signature and writings match October 22
his other Galt writings (4143). Galt typed a letter
to the film company to ask for a refund to the Puerto
Vallarta address in lieu of the Kodak movie camera
which had been mailed meanwhile to his vacated
Birmingham address (4143). Again the written signature
on this note matched the string of "Galt" signatures.
(4143). For some reason (Huie says Ray said he wanted November 6-13

a week in a more expensive room in a hotel on the beach.) (Huie, p.81), Ray switched hotels, going from the Rio to the Hotel Tropicana (1219). He spent most of his time in the period from October 19 to November 13, 1967, with a girlfriend, Irma Morales, whose true name is Manuela Aguirre Medrano (1219), and possibly another female named Nina (Huie, p.8).

Ray left Puerto Vallarta and drove to Los November 14
Angeles where he rented an apartment at 1535 North
Serrano Avenue on the 19th of November. (668; Huie,
p.85). He then wrote a typed letter to the Superior November 19
Bulk Film Company, Chicago, to forward to his new
address the refund due him for the undelivered Kodak
movie camera; the signature on this letter matches
the other "Galt" signatures. (4143).

In this second week of his stay in Los Angeles, November 27
Ray began a series of six visits to a clinical December 14
psychologist, Dr. Mark O. Freeman, in hopes of November 27
overcoming his shyness, gaining social confidence, November 30
learning self-hypnosis to gain relaxation, sleep and December 4, 6, 11, & 14
remember things better.

Apparently, in a further self-improvement step,
Ray enrolled in a course of dancing instructions with December 5
the owner of the National Dance Studio, 2026 Pacific
Avenue, Long Beach, California (4143). On December
13th, Ray wrote his Birmingham bank to close his December 13
safety deposit box (2323). He paid $100 on the December 14
dancing lesson contract on the 14th of December, left
laundry at the Avalon Cleaners & Laundry, Inc.,
5662, Hollywood Blvd., Los Angeles, on the following December 15
day-ticket No.31053 and laundry mark "20R-3" made
by a Thermo Seal marking machine (4143); and also
on December 15th Ray, as Galt still, began a round
trip drive with Charles J. Stein, 5666 Franklin
Avenue, Los Angeles, to New Orleans in Ray's white
Mustang to pick up Stein's sister's two small children
(4143). Stein and Ray arrived in New Orleans on the December 17
17th, the latter registering at the Provincial Hotel,
1024 Chartes Street, Room 126 (5399). The "Galt"
registration card signature matched the string of
such signatures in Ray's odyssey and he further
recorded that he was driving a Mustang with Alabama
license No.1-38993 and gave his address as 2608
Highland Avenue, Birmingham (4143).

Ray checked out before the 1:00p.m. checkout December 19
time on the 19th and, with the two children and
Charles Stein, made the return trip to Los Angeles
arriving by the 21st of December when he took the December 21
first of the series of dancing lessons he had December 22
signed up for. The next day he picked up his
laundry. Four more dancing lessons are recorded December 25, 26,27&28
next (4143).

On December 28, 1967, Ray first indicated
his interest in immigrating to Africa, and more
particularly to a white ruled area, by writing a
letter of inquiry to Mr. John Acord, Chairman,
American-Southern African Council, 800 Fourth St.,
S.W., Washington, D.C.; the signature of Galt
matched up with the other Galt writings. (4143).

Ray said he visited Las Vegas on New Year's 1968 January 1,2&3
Day. (Huie, p.96). Dance lessons are documented
on the 2nd and 3rd days of 1968 (2325). Galt January 8
bought Bank of America money order No.0799 18037
in the amount of $15 from the Hollywood Western
Branch payable to the Locksmithing Institute (2325).
The FBI lab made the usual writing match up on the
signature (4143). Meanwhile Ray showed up regularly January 9,11,15, 16&18
for dance lessons (2325). On January 19th Ray signed

up for a bartending course at the International School of Bartending 2125 Sunset Boulevard (2325); his application signature fits his other Galt signatures (4143). He left his laundry at the Home Service Laundry and Dry Cleaning Co. at 5280 Hollywood Boulevard (2325, cites laundry list No.3065 in E. Galt's name with Thermo Seal sticker 02B-6, the marking on the T-shirt and shorts in the bag abandoned at the front door of Canipe's Amusement Co. in Memphis, April 4, 1968).

On January 21, 1968, Ray changed his lodgings to Room 403 of the St. Francis Hotel, 5533 Hollywood Boulevard (2325). On the 22nd and on the 23rd, 25th, 29th, 30th, 31st, February 1, 5, 6, 8 and 12, Ray regularly attended dance lessons (2325). He attended bartending school through to March 2, 1968. He bought two Bank of America money orders on the 29th of January, one to place an ad in the Free Press soliciting a female pen pal and the second to pay for a mail forwarding service (1500). Each transaction created a handwriting match as did a Bank of America money order No.0799 17281 payable to the Locksmithing Institute, Little Falls, New Jersey (2325).

January 29

January 31

Ray's 1966 white Mustang with Alabama license No.1-38993 registered in Alabama under the alias Galt was serviced on the 13th at a Chevron Station, 1506 North Normandic Avenue, Los Angeles with mileage at 34,185. Another undated servicing some 200 miles later occurred at Cort Fox Ford Co., 4531 Hollywood Boulevard in Los Angeles (2325).

February 17

Ray attempted to increase his social life by writing and sending his photograph to a woman listed by "The Local Swinger" which listing was secured for $1.00; Ray in fact wrote 5 such letters (4143). The Galt signature was added to the FBI's matchups and Ray's photograph secured. For reading material, Ray ordered books from Futura Books paying by money order No.0799 19430 on the 26th. (1500). The signature matchup was made (4143). On this same day Ray made a money order payment No.0799 19701 to the Locksmithing Institute (2325). He sent another, No.0799 19704, for the "Locksmith's Ledger" with matching signature (2325); he sent two money orders, Nos.0799 19702 and 0799 19703, and a letter order to Tiffany Enterprises, 8512 Whitworth Drive in Los Angeles, a mail order house, for one pair of Japanese handcuffs (1500), with signatures matchable on two of the three documents (4143).

February 26

At intervals in his stay in Los Angeles, Ray had plastic surgery done to change his appearance (author Huie puts this treatment as on March 3, 7 and 11, 1968, Huie, pp.107-8); he visited a psychologist-hypnotist, Reverend Von Koss on January 4, 1968 (Huie, p.102), and allegedly some seven other psychiatrists, hypnotists or scientologists. According to author Huie, he frequented a bar known as the Rabbit's Foot Club and on one night became involved in a racial argument followed by a mugging in which he had his wallet stolen and lost his suit jacket, car keys and driver's license (Huie, p.96-98). According to author Huie citing Ray as his source, Ray telephoned Alabama and had a duplicate license issued; this was forwarded from his former Birmingham address to California and received there about March 10, 1968 (Huie, p.98).

March 2 "Galt" was graduated from the bartending school on the 2nd of March. His picture was taken with the school operator and Ray closed his eyes to make recognition more difficult (4143; Huie, p.104).

March 8 A postal money order No.1,916,211,078 was sent to the Locksmithing Institute as a periodic payment on the correspondence course Ray was taking (1428). The signature matchup was made. (4143.)

Ray listed a change of address on March 17 with the St. Francis Hotel, giving his forwarding address as General Delivery, Main Post Office Atlanta, Georgia (4143). Presumably he left Los Angeles in his white Mustang on this date, proceeding to New Orleans where he left a box of clothing for Marie Martin's little daughter, Marian de Grassee, at Charles Stein's cousin Theresa Stone's residence, 4019 Royal Street (4143; Huie, p. 108).

From New Orleans, Ray drove to Selma, Alabama March 22
(5502), (where Ray began to stalk Dr. King according
to Huie's statement of Ray's admission on this) and, March 23
after an overnight stay there, he went on to Montgomery, March 24
to Birmingham and finally to Atlanta, Georgia (Huie, p.
112).

In Atlanta, Ray rented room No.2 in a rooming March 24
house at 113-14th Street, N.E. from the operator,
Jimmy Delton Garner (1033). He stayed there until March 28
March 28 on which day, while still in Atlanta, he
purchased U.S. Postal money order No.5,615,057,923 payable to the Locksmithing Institute (1428). The Galt
signature was a matchup (4143).

On the 29th Ray appeared at the Aeromarine Supply Company, 5701 Airport Highway in Birmingham, Alabama, and using the alias Harvey Lowmyer purchased a Remington .243 caliber rifle, Model 700 with a 2x-7x Redfield telescopic sight mounted on it (432). Almost certainly because the breech of the .243 caliber weapon was caked with a hardened preservative (cosmoline) and could not be loaded, Ray returned it the following day (not having fired it). He explained that his "brother" didn't like it, and exchanged the .243 rifle for a Model 760, 30-06 caliber Remington. The scope was transferred to the latter rifle. Throughout these transactions the package for either rifle was a Browning shotgun carton which was large enough to hold the scope-equipped Remingtons (432). March 29 March 30

The Atlanta rooming house operator, Jimmy Delton Garner stated he had Ray print his name (Eric S. Galt) on an old envelope at Garner's request so that Garner could transfer the name properly to his official records; the handprinting is a matchup with other Galt-Ray printing samples (1033). March 31

Using the name Eric Galt, Ray left his laundry April 1
and dry cleaning at the Piedmont Laundry pickup
station, 1168 Peachtree, N.W. in Atlanta (4143). Two April 3
days later, as Eric S. Galt, Ray on April 3 registered
into Room 34 at the Rebel Motor Hotel, 3466 Lamar
Avenue, Memphis, Tennessee (the distance between Atlanta
and Memphis by the most convenient route is 398 miles);
he gave 2608 Highland Avenue, Birmingham as his address
and he noted on the registration card that he was driving
a Mustang with Alabama license No. 1-38993 (4143). His
signature was a match to the other identified Galt signa-
tures (4143). On this same day, Ray purchased a safety April 3
razor and shaving supplies at the Rexall Drug Store in
the Whitehaven suburb of Memphis (Memphis 44-1987 Sub A-
Sec. 1; Huie, p.129).

Ray left the Rebel Motel before the 1p.m. April 4
checkout time on April 4th (4143). At some point 3-3:30p.m.
between 3p.m. and 3:30p.m. on the 4th, a man
generally answering Ray's description rented Room 5-B
at 422 1/2 South Main Street, Memphis, in the name of
John Willard (idem. 33). Ray admits to having been in
the room with "Raoul" whom he first said rented the
room using the "Willard" alias he, Ray, supplied (Huie,
p.115). In another letter to Huie, Ray states he himself 4:00p.m.

rented the room using the alias John Willard (Huie, p. 30). Ray went out to the York Arms Company Store then located at 162 South Main Street and purchased a pair of Bushnell binoculars for a total of $41.55 (4143); Ray was identified by the salesman at York Arms and Ray admits to having been to the sports store and to having made the purchase of the binoculars (Huie, p. 115). By 5p.m. at the latest, Ray had returned to the rooming house, parked his Mustang and had taken his zipper bag and bedspread to Room 5-B (Huie, p.115); by necessary inference, because it was admittedly brought down from there and dropped on the sidewalk, the 30-06 rifle had been taken up to Room 5-B at this time or just before Ray's trip to the York Arms Co. Store (See Huie, p.114 and p.131; 4143).

As detailed in the discussion of the course of
the FBI investigation ante at pp. 48-50, the assassin fled
from the common bathroom at the rear of the rooming
house after firing the shot that killed Dr. King. The
assassin could have cleared and undoubtedly did clear 6:03:50p.m.
the corridor and the stairs to the street in about 45
seconds. In another 15 seconds at the outside he could
have reached and undoubtedly did reach Ray's white

Mustang after dropping Ray's bag, the rifle Ray bought and bearing only his fingerprints and the bedspread which Ray admits taking up to Room 5-B (Staff reenactment; Huie, p.115). According to a post-conviction statement by Ray to then Special Agent in Charge of the Memphis Field Office, Robert Jensen, roomer Charles Stephens had a good look at Ray in the rooming house (5622; Interview of Robert Jensen, July 7, 1976, App. B).

On the street Guy Warren Canipe, Jr., in his place of business, Canipe Amusement Co., at 424 South Main Street heard a thud near the front door of his store, looked up to see a white male walk rapidly past his store going south (right to left to someone inside the store) and, with the two customers in his store, went to the front door where they observed a small white car, a Mustang 6:04p.m. according to the two customers, pull away going north (left to right) from a curb side parking place just south of Canipe's store (Memphis 44-1987 Sub A-Sec.1; cf. Huie, p.131).

According to Ray's admission to author Huie, Ray April 4, 1968 drove south into Mississippi and then turned east through Birmingham reaching Atlanta about 6a.m. on April 5th April 5, 1968 (Huie, p.132). He abandoned the white Mustang. On the

table in the room at the Atlanta rooming house, he left
a letter about South Africa from the John Birch Society
in California and a copy of the Free Press from Los
Angeles to divert the FBI's attention to California April 5, 1968
while he fled to Canada (Huie, p.133). Ray picked up between 9:00a.m. &
his laundry at the Piedmont Laundry pick-up station at 10:00a.m.
1168 Peachtree N.E. in Atlanta on the 5th of April (4697).
He then took a bus departing Atlanta just after noon on approx. 1:00p.m.
the 5th and arrived in Cincinnati at about 1:30a.m. on
the 6th of April. After a one hour layover which he
stated he spent in a tavern near the bus depot, Ray April 6, 1968 1:30a.m.
continued by bus to Detroit where he arrived at about 2:30a.m.
8a.m. (Huie, p.135). He crossed by taxi into Canada between 10 and 11a.m
arriving in Windsor an hour or so before noon and
proceeded from there to Toronto by train arriving at
about 5:00p.m. (Huie, p.135). He rented a room at approx. 5p.m.
102 Ossington Avenue without giving his name (5502;
Huie, p.135). approx. 6p.m.

On the 8th of April Ray began the process of April 8, 1968
securing a Canadian passport. He picked two names,
Paul Edward Bridgman and Ramon George Sneyd, from the
announcements of births in newspapers for the year
1932 at the public library (Huie, p.137). He made an April 10, 1968

application for a duplicate birth certificate in each of
these names on April 10 and on the following day had April 11, 1968
a passport picture taken in the name of Bridgman and
then to provide a separate mailing address for the
expected replies as to Sneyd, he rented a room at April 16, 1968
962 Dundas Street in the name of Sneyd on April 16th
(5502; Huie, p.141). On the same day he executed an
application in the name Paul Bridgman with his, Ray's
102 Ossington Avenue address as the person to be
notified in case of emergency (Huie, p.143). The
Kennedy Travel Agency of Toronto handled the processing
of the application for Ray (5502). On the 19th Ray April 19, 1968
moved to the Dundas Street address (5502).

The fingerprints of "Eric S. Galt" were found to April 19, 1968
be a match with those of James Earl Ray after a search
of the print file on Fugitive Felons.

According to author Huie he gleaned from Ray that Ray visited four bars on the 21st in order to watch the TV show "The FBI" (Huie, p.147). He found the show tuned in at the fourth place he tried and learned that he had made the Ten Most Wanted List with an international "look-out"as to Ray (Huie, p.147). He checked out of the Ossington Avenue room on the 19th (Huie, p.147).

April 24, 1968

May 6, 1968

May 16, 1968

On April 24 the Canadian passport in the name of Ramon George Sney*a* was issued to Ray (Huie, p.148). Ray purchased a round trip ticket to London and departed on May 6, 1968 (Huie, p.149). From London Ray took a plane to Lisbon where he spent 10 days looking for a passage to Angola (Huie, p.150). When he was unable to do so he returned to London after first getting his passport replaced at the Canadian Embassy in Lisbon to correct the spelling of the name Sney*d* (instead of Sney*a*) (5502; Huie, p.150).

May 17, 1968

June 8, 1968

Ray returned to London and spent his time trying to find a way to join a mercenary force (Huie, p.150). To this end he bought a plane ticket to Brussels and was in the process of meeting his plane at the Heathrow Airport when he was apprehended on June 8, 1968, by detectives from New Scotland Yard (4346,4368; Huie, p.150-151). The arrest was made on the basis of use of a fradulent passport and carrying a concealed weapon, i.e., the loaded .38 caliber Japanese-make revolver found on his person at Heathrow (4346,4368; Huie, p.151).

This chronology has been compiled from data in FBI reports and Ray's letters to author William Bradford Huie. It was hoped by the task force that we would have an opportunity to go over the facts with James Earl Ray himself. Accordingly, after the United States Supreme Court denied his petition for a writ of certiorari, on December 13, 1976, a verbal request was made to Ray's Attorney, James H. Lesar, for an opportunity to interview Ray. Lesar stated that he was writing Ray a letter that day and would advise him of our desire to interview him and leave the matter up to him (Interview of James H. Lesar, December 14, 1976, App. B). Also, the task force sent Ray a letter on December 15, 1976, via his attorney requesting an interview (See letter to James Earl Ray, December 15, 1976, App. A, Ex.14). While no answer to our letter was received, Ray sent the task force a copy of a letter addressed to his attorney. Ray attached a copy of a complaint he recently filed in a civil action and stated in the letter to his attorney that: "I agree with your advice opposing the interview. It would appear that this would only be in the interest of the J.D. and their book writing collaborators, e.g., Gerold Frank, George McMillian, et al." (See letter to James H. Lesar, December 20, 1976, App. A, Ex.15).

Absent a statement to us from Ray, four existing Ray explanations were compared and are here briefly noted.

First, no one, other than his attorneys talked with Ray before the plea bargaining resulted in his conviction of the First Degree murder of Martin Luther King, Jr., and sentencing in open court on March 10, 1969, before Judge W. Preston Battle, Criminal Court of Shelby County, Tennessee (See Transcript App. A, Ex.16). At that time, on voir dire, Judge Battle asked Ray: "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

Ray answered: "Yes."

Ray then acknowledged that he was pleading guilty freely, voluntarily and understandingly. He and his attorney, Percy Foreman, initialed the copy of these questions and answers. Ray also signed a detailed stipulation confessing that he fired the fatal shot (5506).

The task force observes that the only way one can be "legally guilty" of first degree murder is when one accomplishes, or aids or assists in the accomplishment, of the wrongful killing of a human being with premeditation and malice aforethought. Thus, Ray has judicially confessed that he intended to and did kill Dr. King.

Second, Ray related in writing to author Huie a story of his odyssey from Missouri State Prison to Memphis which acknowledged that he bought the murder weapon, made his way to Memphis, rented the room there at 422 South Main on April 4, 1968, using the alias "John Willard," waited in the white Mustang, and drove "Raoul" away from the crime scene after the murder wholly unaware of the killing of Dr. King. In this version "Raoul", or "Roual", is the mysterious killer whom Ray thought to be an international gun-runner; Ray bought the murder weapon for "Raoul" thinking it was to be displayed to prospective Mexican buyers in Room 5-B of the "flop house" on South Main Street (Huie, p.130-131).

Third, in a statement read on a program of Station KMOX-TV St. Louis, Missouri, in August of 1969 by his brother Jerry, James Earl Ray was quoted as alleging that he was the innocent victim, "the fall guy" of a scheme by the FBI (Memphis 44-1987 Sub M-665). This description of the crime contains no reference to Raoul.

Fourth, the most recent story available to the task force is reported as the result of a four hour interview by Wayne Chastain, Jr., for the Pacific News Service, October 20, 1974. It is to the effect that Ray was "set up as a patsy" for "Raoul." It proceeds along the same lines as the tale told by Ray to author Huie that there was to be a meeting at the rooming house at 6p.m. with an international gun runner. Ray was instructed by Raoul to have the white Mustang at the curb for "Raoul's" use that evening. Ray, however, drove away from the area at about 6:00p.m. to get air in a low tire and found police swarming all over the place when he tried to return at 7:05p.m. He could not park, was turned back by police and learned only after driving 100 miles into Mississippi that he had been associated with the men who killed Dr. King (The Assassinations, Dallas and Beyond, Edited by Peter Dale Scott, Paul L. Hock and Russell Stetler, Random House, 1976, pp.315-317).

The task force views the exculpatory content of these varying and patently self-serving tales to be unbelievable. The varying details are materially self-refuting. Ray first admits full guilt. He then says he waited innocently at the curb and took off after the shot with "Raoul" as a passenger. He next says he was the catspaw of the FBI. And finally, he and the Mustang were not in the area when the shot was fired and he never saw "Raoul" after the event.

The eye witnesses to the "get away", saw only one man who resembled Ray. The man left in a hurry in a white Mustang as Ray admitted doing in version number two. We concluded Ray was lying about the existence of a "Raoul".

Ray's stipulated judicial confession comports in detail with the facts disclosed by the investigation and the failure of the self-serving stories persuasively undermines the likelihood of any conspiracy.

2. Motive

James Earl Ray, born 1928, was raised under difficult circumstances. His parents were poor, uneducated and generally resided in areas surrounded by criminal activity. Ray did not achieve a high school education, nor did he attend any vocational institution.* After enlisting in the army in 1946, Ray did not meet the military's standards and was discharged in 1948 for lack of adaptability. (HQ 44-38861-3333, 3987).

Thus, at the age of twenty-one, he had a very limited education, was not trained or skilled at any particular job, and was a reject of the military establishment. Thereafter, he proceeded to participate in and be apprehended for a number of criminal actions for which he would be incarcerated for fourteen of the next eighteen years until his escape from the Missouri State Penitentiary in April 1967. Ray's criminal activities included robbery, forgery and burglary (HQ 44-38861-4143). He was not known to have been involved in crimes where victims or witnesses were physically harmed.

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*FBI files disclosed that James Earl Ray has an IQ of 105 (HQ 44-38861-3503).

In March 1968, James Earl Ray was forty years old and was never known to have had a serious relationship with a man or woman during his adult life. Although he was about to commit a very infamous crime of assassination, neither his childhood, his military years nor his adult life of crime and imprisonment signaled such action. His criminal activities were not those of a hired or self-accomplished premeditated murderer. Why then would James Earl Ray murder Dr. Martin Luther King, Jr.?

An analysis of Ray's prison records and interviews with his prison inmates reveals some probative facts with respect to a motive. For example, in 1955 Ray was incarcerated in the federal penitentiary at Leavenworth, Kansas, for forgery of post office money orders. On September 12, 1957, Ray was approved for the honor farm at Leavenworth, but was never transferred there because he refused to live in the integrated dormitory at the farm (HQ 44-38861-1678). Thus, he was supposedly willing to sacrifice this benefit and its accompanying privileges to avoid association with black prisoners.

An inmate with Ray at Missouri State Penitentiary for approximately three years, stated that Ray hated Negroes. He further stated that Ray had said that all the Negro prisoners inside the penitentiary should be killed. He also responded that on several occasions Ray had said he would kill Dr. Martin Luther King, Jr., if the price were right. In 1966, there was a riot at the penitentiary. Three blacks were killed. The inmate would not state whether Ray had participated in the killings. He did say that, if Ray had not, he would definitely know who had killed the prisoners. He also said that he would not be surprised if he acted without being paid for the killing. It should be noted that another prisoner who was a chef at MSP and Ray's boss for six years, stated that this inmate was a good friend of Ray and he also hated Negroes. (HQ 44-38861-4443).

A second inmate with Ray at the Missouri State Penitentiary from 1960 until 1965, claimed that he recalls that Ray was glad when President Kennedy was killed and stated "that is one nigger-loving S.O.B that got shot". The prisoner also advised that Ray disliked Negroes. During the time period when King was leading demonstrations and marches Ray would become aggravated and upset when reading this information in newspapers to the point that he would curse King and the Negroes. He further stated he had heard prison rumors that Ray was supposed to have killed three black prisoners at the penitentiary. Finally, he related that in 1963 Ray made the remark that he was going to get Martin Luther King when he got out of prison. (HQ 44-38861-2678, 2791).

A third inmate at MSP from 1962 until 1965, described Ray as a "lone wolf" who never trusted anyone. He stated that Ray was a racist and was heard many times discussing his dislike of Negroes. Another prisoner became acquainted with Ray in 1965 and said that Ray commented if he ever got out of jail he was going to make himself a "bunch of money," and Ray further said a "Businessmen's Association" had offered $100,000 for killing Martin Luther King. This prisoner said that Ray did not know what the "Businessmen's Association" was, but he intended to find out. (HQ 44-38861-4143).

A cellmate with Ray in 1955 at Kansas City who later served prison time with Ray at Leavenworth, Kansas, was also incarcerated with Ray at MSP. He stated that during the period when President Kennedy was assassinated the movements of Dr. Martin Luther King became the topic of conversation at the penitentiary. Many prisoners heard that businessmen had raised a considerable amount of money, about one million dollars, as a bounty on King's head. He further stated that Ray mentioned a dozen times that had he known about the bounty on John F. Kennedy's head and had he been free he would have collected it; and, if he got out in time and King were still alive, he would get the bounty on King (HQ 44-38861-4143). A prisoner who was at MSP from 1958 through 1965 stated Ray did not like Negroes and was capable of killing Dr. Martin Luther King, Jr. (HQ 44-38861-4143).

Ray's psychological background is also a very important avenue of review. As a result of a voluntary psychiatric examination in 1966, Ray was described as having a sociopathic personality, antisocial type with anxiety and depressive features (HQ 44-38861-3505). In 1954, a prison sociologist stated that Ray's delinquencies seem due to impulsive behavior, especially when drinking (HQ 44-38861-3335). These characteristics and comments about Ray support the opinion of psychologist Dr. Mark Freeman. While Ray was in Los Angeles he was a patient of Dr. Freeman. Dr. Freeman believes that Ray was potentially capable of assassination, was a self-motivated person who could act alone, and likely fantasized on being someone important.

There were two matters involving Ray and blacks while outside prison which shed some light on whether his hatred of blacks and need for importance and profit could have motivated him to murder. While in Mexico in the fall of 1967, Ray associated with a Mexican woman, Irma Morales, in the City of Puerto Vallarta. Morales admitted spending considerable time with him and recalls an incident that took place on Sunday, October 29th. She and Ray were seated at a table in a bar and were drinking when four blacks and several white persons arrived and were seated at another table. She stated that Ray kept goading the blacks for some reason. Thereafter, Ray left his table to go to his car, and when he returned he asked her to feel his pocket. Morales did and felt a pistol in his pocket. Ray stated to Morales that he wanted to kill the blacks. He then continued to be insulting and when the blacks left he stated he wanted to go after them. Morales, however, told him it was time for the police to arrive to check the establishment and Ray stated he wanted nothing to do with the police, thereby terminating the incident (HQ 44-38861-2073).

A second incident took place during Ray's stay in Los Angeles. James E. Morrison, a bartender at the Rabbit's Foot Club there, identified Ray as a frequent customer. Morrison said that on one occasion Ray became engaged in a political discussion with him regarding Robert Kennedy and George Wallace. Ray became rather incensed and vehemently supported Wallace. On another occasion, Ray had had a discussion with Pat Goodsell, a frequent female customer, concerning blacks and the civil rights movement. Ray became very involved and began dragging Goodsell towards the door saying, "I'll drop you off in Watts and we'll see how you like it there" (HQ 44-38861-3557). Ray then supposedly went outside and had to fight two persons, one being black (Huie, pp. 96-98).

Thus, it seems clear that Ray openly displayed a strong racist attitude towards blacks. While in prison, Ray stated he would kill Dr. King if given the opportunity and Ray was prepared to threaten or attack black persons in Puerto Vallarta, Mexico, with a weapon for apparently a racial reason. These events and occurrences leading to the assassination of Dr. King and the assassination itself certainly do not illustrate a single, conclusive motive. Yet, Ray's apparent hatred for the civil rights movement, his possible yearning for recognition, and a desire for a potential quick profit may have, as a whole, provided sufficient impetus for him to act, and to act alone.

3. Sources Of Funds

Shortly after the search for Ray began, it was recognized that he had traveled extensively following his escape from the Missouri Penitentiary. Moreover, in addition to normal living expenses, Ray had made several substantial purchases, e.g., cars, photo equipment, dance lessons (See, List of known expenditures, App. A, Ex. 4). These expenditures suggested that he had financial assistance and hence possible co-conspirators. Therefore, the Bureau was particularly interested in determining his sources of income. On April 23, 1968, the Director advised all field divisions to consider Ray as a suspect in any unsolved bank robberies, burglaries or armed robberies occurring after April 23, 1967. The results were negative.

On April 29, 1968, the Director in a teletype to all SAC's ordered that all law enforcement agencies which maintained unidentified latent fingerprints be contacted and requested that fingerprints of Ray be compared in order to determine his past whereabouts and possibly establish his source of funds. Again, negative results were obtained. The Director, on May 14, 1968, reminded all field divisions that Ray had spent a considerable amount of money from April 23, 1967 until April 4, 1968, and advised that a source for these monies had not been determined. The Director ordered that photographs of Ray be displayed to appropriate witnesses in unsolved bank robberies and bank burglaries. These efforts and all others to date, with one exception, have proved fruitless.

As a result of one of Huie's Look articles, the Bureau did ascertain that Ray had been employed at a restaurant in Winnetka, Illinois, for approximately eight weeks. As a dishwasher and cook's helper, Ray had received checks totaling $664 from May 7, 1967 through June 25, 1967 (See, List of known income, App. A, Ex. 5). This is the only known source of income for Ray following his prison escape. Reports from the Royal Canadian Mounted Police indicated no known robberies or burglaries which could be connected with Ray, nor did Mexican authorities notify the Bureau of any criminal activity which could be associated with Ray. The Bureau investigated the possibility that Ray participated in a bank robbery at Alton, Illinois, in 1967, but it was established that he was not a participant.

Ray related to author Huie that he robbed a food store in Canada, and that an individual named "Raoul" furnished him funds on a continuous basis for various undertakings. These matters were actively pursued by the Bureau but have never been corroborated by them. Nor have they been corroborated by private inquiries of writers and journalists. It is the Bureau's opinion that Ray most likely committed on a periodic basis several robberies or burglaries during this period in order to support himself. Ray's criminal background does lend credence to this theory.

The task force interviewed Ray's brother, Jerry Ray (See, Interview of Jerry Ray, December 20, 1976, App. B). He stated that to his knowledge family members did not provide James with any funds. Jerry admitted he met with his brother two or three times during his employment at the Winnetka restaurant and advised that he, not James, paid for their eating and drinking expenses. However, when Jerry again saw his brother on his return from Canada in August, 1967, James did have some money because it was he who paid for their expenses which included a motel room. Jerry added that James also gave him his car commenting that he would purchase a more expensive car in Alabama. Jerry stated he was unaware of where his brother had obtained his money as well as the amount of money he had at this time.

Accordingly, the sources for Ray's funds still remain a mystery today.

4. Family Contacts and Assistance

Our review of the files indicated that the FBI had no hard evidence linking James Ray to any conspiracy to kill Dr. King. Absent such evidence, the Bureau apparently discounted the significance of any contact between Ray and his family. As the Chicago case agent told us, it is not unusual for a fugitive or a person who has committed a given crime to be in touch with family members. While such contact may render the actions of the family member criminally liable, it is not generally pursued absent some evidence of direct participation in the crime.

However, in light of the fact that a good deal of mystery still surrounds James Ray and the assassination, particularly the means by which he financed his life style and travels, we concluded that on the basis of the information which was uncovered, the Bureau should have pursued this line of the investigation more thoroughly.

The connection of the Ray family to the crime against Dr. King may have been nonexistent. This does not alter the fact, however, that the FBI discovered that the subject of the largest manhunt in history had been aided in his fugitive status by at least one family member. This and other facts suggestive of family assistance became clear as the Bureau's investigation progressed:

First, John and Jerry Ray had significant contacts with James while he was in Missouri State Penitentiary (MSP) at Jefferson City, Missouri. Jerry Ray visited James three or four times and had borrowed money from James on at least one occasion during his confinement (Chicago 44-1144 Sub G-17). John Ray visited or attempted to visit James Ray while at MSP on at least nine occasions. The last visit took place on April 22, 1967, the day before Ray escaped (HQ 44-338861-4503). The Bureau also discovered that while in prison at MSP James Ray had a fellow inmate send a money order to a fictitious company (Albert J. Pepper Stationary Co.) in St. Louis, Missouri. The money was sent to the address of Carol Pepper (sister and business partner of John Ray) where she resided with her husband Albert. James Ray had told the inmate who sent the money that it was a way of getting money out of the prison (HQ 44-38861-2614).

Second, James Earl Ray was seen by several people in both the St. Louis and Chicago areas during the period immediately after his escape. In St. Louis (where John Ray was living) two former inmates at MSP, stated that they had seen James Ray on separate occasions. One stated that he had seen Ray three times between May 10 and 17, 1967 (Kansas City, 44-760-786). The other saw Ray entering a bank with Jimmie Owens and spoke briefly with Ray as they entered

(HQ 44-38861-3483). In the Chicago area where Jerry Ray was living, the Bureau discovered that James Ray had purchased a car on June 5, 1967 (Chicago, 44-1114 Sub D Ex. 85) and had worked in Winnetka, Illinois. Ray's employers also told Bureau agents that James Ray had received several calls from a man claiming to be Ray's brother immediately prior to James' departure from his job. They stated that these calls had a visibly disturbing effect on James Ray (Chicago 44-1114 Sub G-37). Jerry Raynes, father of the Ray brothers, told the FBI that he overheard John and Jerry mention that James had been in Chicago during the summer of 1967 (Chicago 44-1114-508).

Third, in California, the FBI discovered two facts which pointed toward possible contact between James Ray and his brothers. Richard Gonzales who was a fellow student with Ray at the bartending school in Los Angeles told Bureau agents that Ray had told him upon completion of the course that he (Ray) was going to visit a brother in Birmingham for two weeks (HQ 44-38861-1233). The FBI also interviewed Marie Martin, cousin of Charles Stein. She stated that for some time before March 17, 1968, (the date when Ray left Los Angeles) James Ray had been stating that he was in need of funds and was waiting for his brother to send him some money.

Fourth, through an informant the Bureau discovered that Jerry Ray may not have been entirely candid with the special agents during his several interviews. The informant disclosed to Bureau agents on June 7, 1968, that Jerry Ray stated he had seen his brother (James) at least once at a pre-arranged meeting place in St. Louis shortly after his escape. Jerry also allegedly stated to the informant that he had recognized the photograph of Eric Starvo Galt as being identical with his brother James prior to the time the FBI had first contacted him in connection with the assassination. He did not want to tell the FBI everything he knew out of fear that James would be caught. (HQ 44-38861-4594.)

Correspondence recovered by the Bureau indicated that Jerry may have heard from James in Canada in June of 1968 (HQ 44-38861-4517 and 4518). James Ray was in Canada during April and May of 1968 prior to his departure for London on May 7, 1968 (HQ 44-38861-4595). It is also noted that Jerry had earlier told agents that he had received mail from James, while James was in prison, at Post Office Box 22

Wheeling, Illinois (Chicago 44-114 Sub G-26).

Finally, in November, 1968 it became clear that James Ray had been in touch with his brother Jerry. Illinois motor vehicle records showed that on August 25, 1967 James Ray (using the name of John L. Rayns) transferred his 1962 Plymouth to Jerry (HQ 44-38861-5413). This was during the period when James Ray was making his way from Canada to Birmingham, Alabama. It has continued to be a mystery as to why Ray went to Alabama, how he traveled there, and where he obtained the several thousand dollars he had when he arrived.

Thus, at least one family member, Jerry, had lied to the FBI and had become subject to federal criminal charges for aiding a fugitive. He was never confronted with these facts by the Bureau. In the task force interview of Jerry Ray, he confirmed the fact that he had lied to the Bureau and had seen his brother James on several occasions.*/ Jerry denied knowing anything about James' travels or his source of funds (Interview of Jerry Ray, December 20, 1976, App. B). However, the task force found the credibility of Jerry's denials to be suspect. In light of this low credibility and critical passage of time which has allowed the statute of limitations to run, we concluded that the FBI abandoned a significant opportunity to obtain answers from family members concerning some of the important questions about James Earl Ray which still remain.

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*/ The task force attempted to talk to James and John Ray but an interview was refused in both instances.

D. Critical Evaluation Of The Assassination Investigation

As this report reflects, there was a wealth of information in the files developed by the FBI murder investigation. We have been able to dig up some additional data. Only a small part of any of this information has been made a matter of any official public record. Some of it was embodied in the stipulation agreed to by James Earl Ray and judicially acknowledged in open court by him (with a stated reservation as to agreeing to the wording indicating a lack of a conspiracy). Some emerged in Ray's post-conviction efforts to get a new trial. A quantity of the "unofficial" evidentiary data and a great deal of mis-information was gleaned by the news media and by professional writers. It is understandable therefore that many suspicions have been generated and, because of Justice Department rules against disclosures of raw investigative files, have gone unanswered.

First, the task force has concluded that the investigation by the FBI to ascertain and capture the murderer of

Dr. Martin Luther King, Jr., was thoroughly, honestly and successfully conducted. We submit that the minute details compacted in this report amply support this conclusion.

At the very outset of the investigation telegrams went to all field offices of the Bureau instructing the Special Agents in Charge to take personal supervision of the investigation, to check out all leads in 24 hours, and noting that they would be held personally responsible. (HQ 44-38861-153). The files we reviewed show that this directive was conscientiously followed. The Bureau sought first to identify and locate the murderer using the obvious leads. They checked out aliases, tracked the traces left under the Galt alias, and used the known fingerprints from the murder weapon and the contents of the blue zipper bag left on South Main Street to eliminate suspects. This backtracking ended in Atlanta. At this point the Bureau initiated a check of the crime site fingerprints against the white male "wanted fugitive" print file. This produced the almost "instant" discovery that the wanted man, Galt, was James Earl Ray, an escapee from Missouri State Prison. In fact the "instant" discovery was a tedious hand search started in a file of some 20,000 prints. That it took only two hours to make a match is said by the Bureau experts to be largely sheer luck; it could have taken days. We accept the explanation that the fingerprint search was a normal next resort after normal lead procedures were exhausted.

Second, the task force views the evidence pointing to the guilt of James Earl Ray as the man who purchased the murder gun and who fired the fatal shot to be conclusive.

It was possible for the task force to create a well documented history of James Earl Ray from the moment of his escape to his capture in England, using the investigation reports in the FBI files and to corroborate and fill in essential details with Ray's own statements (admissions) in his letters to author William Bradford Huie. From this chronology, from the laboratory proof, and from Ray's judicial admissions it was concluded that he was the assassin, and that he acted alone. We saw no credible evidence probative of the possibility that Ray and any co-conspirator were together at the scene of the assassination. Ray's assertions that someone else pulled the trigger are so patently self-serving and so varied as to be wholly unbelievable. They become, in fact, a part of the evidence of his guilt by self-refutation.

Third, we found that conspiracy leads (aliunde Ray's versions) had been conscientiously run down by the FBI even though they had no possible relation to Ray's stories or to the known facts. The results were negative.

We found no evidence of any complicity on the part of the Memphis Police Department or of the FBI.

We acknowledge that proof of the negative, i.e., proof that others were not involved, is here as elusive and difficult as it has universally been in criminal law. But the sum of all of the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point that no one else was involved. Of course, someone could conceivably have provided him with logistics, or even paid him to commit the crime. However, we have found no competent evidence upon which to base such a theory.

Fourth, it is true that the task force unearthed some new data - data which answers some persistent questions and which the FBI did not seek. But the Bureau concentrated on the principal in the case and much was not considered important to his discovery and apprehension. We find no dishonesty in this. A lead suggesting that one or both of James Earl Ray's brothers were in contact with him after, and in aid of, his escape in 1967 from the Missouri State Prison, and before the murder of Dr. King, was not followed. It was not unearthed until after Ray's capture in England on June 8, 1968; it was then apparently deemed a lead made sterile by supervening events. By hindsight the task force believes Jerry and John Ray could have been effectively interrogated further to learn their knowledge, if any, of James Earl Ray's plans, his finances and whether they helped him after King's death.

Finally, the task force observed instances of FBI headquarter's reluctance to provide the Civil Rights Division and the Attorney General with timely reports on the course of the murder investigation. For example, early in the investigation in a reaction to a press report of Attorney General Clark's expectation of making a progress report to the nation, FBI Director Hoover wrote: "We are not going to make any progress reports" (HQ 44-38861-1061).

The Bureau files reflect a significant degree of disdain for the supervisory responsibilities of the Attorney General and the operating Divisions of the Department. For example, the Attorney General authorized the institution of prosecutive action against the suspect "Galt" (Birmingham 44-1740-1005). But then, apparently without further consultation with the Attorney General or the Civil Rights Division, the Bureau prepared and filed a criminal complaint. The Bureau selected Birmingham as the venue in which to file the complaint in preference to Memphis because the Bureau "could not rely on the U.S. Attorney at Memphis" and "would lose control of the situation" (HQ 44-38861-1555). The Bureau scenario called for then advising the Attorney General "that circumstances have required the action taken" (HQ 44-38861-1555).

We submit that in this sensitive case the Departmental officials in Washington should have been consulted.

As another example, at the extradition stage of the case, marked discourtesy was exhibited to the Attorney General and to Assistant Attorney General Fred Vinson. In a telephone discussion with the Attorney General who complained of being "kept in the dark", an Assistant to the Director accused the Attorney General of falsifications and "hung up the phone". Again, when Assistant Attorney General Vinson was detailed to England to arrange for the extradition of James Earl Ray, the Legal Attache was ordered to be "diplomatic but firm with Vinson and that under no circumstances should Vinson be allowed to push our personnel around" (HQ 44-38861-4447).

The task force views this lack of coordination and cooperation as highly improper. The Attorney General and the Division of the Department having prosecutorial responsibility for an offense being investigated should be kept fully abreast of developments. The responsible

Division, moreover, should have sufficient control of the Bureau's investigations to insure that the legal necessities of pleading and proof are met.

In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these prerogatives. We do not think it effectively did so in the King murder case.

III. THE SECURITY INVESTIGATION

A. FBI Surveillance And Harassment Of Dr. King

1. Initiation of Technical Surveillance and COINTELPRO Type Activities

In order to reconstruct the actions taken by members of the FBI toward Dr. King, the task force scrutinized the basis for the initiation by the Bureau of any action with respect to Dr. King. During the review it was revealed that on May 22, 1961, Mr. Alex Rosen, then Assistant Director of the General Investigative Division (Division 6), advised Director Hoover in an information memorandum, per his request on Dr. King and four other individuals in connection with the "Freedom Riders," that "King has not been investigated by the FBI" (Memo from Scatterday to Rosen, May 22, 1961, App. A, Ex. 7). The memorandum contained few references on Dr. King. The Director commented, with regard to the omission of a subject matter investigation on Dr. King: "Why not?" The substance of the report was forwarded to Attorney General Kennedy, and the FBI did not pursue the King matter at this time. Thus, FBI personnel did not have nor did they assume a personal interest in the activities of Dr. King through May, 1961. Furthermore, in 1961, information in the Bureau files on

Dr. King had only been gleaned from sporadic reports, and this particular report to the Director was provided by Division 6 which had responsibility for civil rights matters.

In the beginning of 1962, the FBI started and rapidly continued to gravitate toward Dr. King. The sequence of events has already been reported in some detail by the Senate Select Committee as well as in the Robert Murphy Report which you received in March, 1976. The task force in its review of pertinent documents confirms these reports.

In essence, the Director communicated to Attorney General Kennedy during 1962 and 1963 a host of memoranda concerning the interest of the Communist Party in the civil rights movement, and, in particular, Dr. King's relationship with two frequently consulted advisors whom the FBI had tabbed as members of the Communist Party. As a result of the deep interest in civil rights affairs by the Attorney General and by the Kennedy Administration, these FBI reports had the effect of alarming Robert Kennedy and affecting his decisions on the national level.

The net effect of the Bureau memoranda nearly culminated in the summer of 1963 when Attorney General

Kennedy suggested consideration of technical surveillance on King and the SCLC (HQ 100-106670-3631). Previously, the bulk of FBI intelligence on Dr. King was secured by technical surveillance of one of his advisors and from informants close to his associates. However, when Attorney General Kennedy was confronted shortly thereafter with the Director's request for such surveillances, he reconsidered his suggestion and denied the request (HQ 100-106670-165, 171). Attorney General Kennedy as well as several other Department officials were sincerely concerned with King's association with alleged communist members since proposed civil rights legislation was then very vulnerable to the attack that communists were influencing the direction of the civil rights movement. Yet, an affirmative program to gather intelligence with King as the subject was still considered ill-advised. However, a significant turn of events within the circles of the FBI hierarchy would soon reverse the Attorney General's decision, and without his knowledge the FBI would also launch an illegal counter-intelligence program directed to discredit and neutralize the civil rights leader.

Director Hoover's demeanor toward Dr. King has been well publicized and is summarized below. Certainly, as the task force determined, this played a vital role in

FBI affairs, as did the Director's attitude toward the Communist Party. On August 23, 1963, then Assistant Director of the Domestic Intelligence Division, William C. Sullivan, pursuant to the Director's request, presented a seventy-page analysis of exploitation and influence by the Communist Party on the American Negro population since 1919 (HQ 100-3-116-253X). This report and Mr. Sullivan's synopsis showed a failure of the Communist Party in achieving any significant inroads into the Negro population and the civil rights movement. Director Hoover responded:

> "This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists. Time alone proved you wrong. I for one can't ignore the memos as having only an infinitesimal effect on the efforts to exploit the American Negro by Communists" (HQ 100-3-116-253X).

The Director's comment had a resounding effect on Mr. Sullivan. Seven days later, he replied:

> "The Director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. In investigating and

> writing about communism and the American Negro, we had better remember this and profit by the lesson it should teach us." (Memo from Sullivan to Belmont, August 30, 1963, App. A, Ex. 8).

Even more importantly, Mr. Sullivan also said in response to the action that he now believed was necessitated in determining communist influence in the civil rights movement:

> "Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitely conclusive evidence that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive." (idem.)

The FBI hierarchy had no written comments on this memorandum either supporting or negating the Assistant Director's proposed line of action.

Then, in September, 1963, Mr. Sullivan recommended "increased coverage of communist influence on the Negro" (Memo from Baumgardner to Sullivan, September 16, 1963, App. A, Ex. 9). The Director refused and commented:

> "No I can't understand how you can so agilely switch your thinking and evaluation. Just a few weeks ago you contended that the Communist influence in the racial movement was ineffective and infinitesimal. This - notwithstanding

> many memos of specific instances
> of infiltration. Now you want
> to load the field down with more
> coverage in spite of your recent
> memo depreciating CP influence
> in racial movement. I don't intend
> to waste time and money until you
> can make up your minds what the
> situation really is" (idem.)

In commenting on a cover memo to the above Sullivan request, Director Hoover also stated, "I have certainly been misled by previous memos which clearly showed communist penetration of the racial movement. The attached is contradictory of all that. We are wasting manpower and money investigating CP effect in racial movement if the attached is correct" (Memo for the Director from Tolson, September 18, 1963, App. A, Ex. 10).

By now the Domestic Intelligence Division was feeling the full weight of the Director's dissatisfaction with their work product. Mr. Sullivan again replied on September 25, 1963, in a humble manner that Division 5 had failed in its interpretation of communist infiltration in the Negro movement (Memo from Sullivan to Belmont, September 25, 1963, App. A, Ex. 11). The Assistant Director asked the Director's forgiveness and requested the opportunity to approach this grave matter in the light of the Director's interpretation. Director Hoover sanctioned this request but again reprimanded Mr. Sullivan for stating that communist infiltration "has not reached the point of control or domination." The Director curtly commented that "Certainly this is not true with respect to the King connection" (idem). One could now foresee that Dr. King would be closely watched by FBI personnel.

In October, 1963, the Director forwarded a request to the Attorney General for technical surveillance of Dr. King's residence and the SCLC office in New York City. This time the FBI received authorization for technical surveillance and it was instituted almost immediately. In addition, the FBI had prepared a new analysis on communist involvement in the Negro movement (Communism and the Negro Movement, October 16, 1963, App. A, Ex. 12). A cover memorandum of this analysis written by Assistant to the Director A.H. Belmont to Associate Director Clyde A. Tolson reads:

> "The attached analysis of Communism and the Negro Movement is highly explosive. It can be regarded as a personal attack on Martin Luther King. There is no doubt it will have a heavy impact on the Attorney General and anyone else to whom we disseminate it ... This memorandum may startle the Attorney General, particularly in view of his past association with King, and the fact that we are disseminating this outside the Department" (Memo from Belmont to Tolson, October 17, 1963 App. A, Ex. 13).

To the latter part, the Director wrote, "We must do our duty." Mr. Belmont further said:

> "Nevertheless, the memorandum is a powerful warning against Communist influence in the Negro movement ..."

The Director issued his feeling to this position and added, "I am glad that you recognize at last that there exists such influence."

2. Predicate for the Security Investigation

The security investigation of Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC) was predicated on the belief that they were under the influence of the Communist Party, United States of America (CPUSA). The basis for this belief was that Dr. King relied upon one particular advisor who was tabbed by the FBI as a ranking Communist Party member (HQ 100-392452-133).

This characterization of the advisor was provided by sources the Bureau considered reliable. The task force was privy to this characterization through both our file review and our September 2, 1976, conference with representatives of the Bureau's Intelligence Division. For security purposes the sources were not fully identified to the task force. Therefore, the veracity of the sources and the characterization are remaining questions.

The advisor's relationship to King and the SCLC is amply evidenced in the files and the task force concludes that he was a most trusted advisor. The files are replete with instances of his counseling King and his organization on matters pertaining to organization, finance, political strategy and speech writing. Some examples follow:

The advisor organized, in King's name, a fund raising society (HQ 100-106670-47, 48). This organization and the SCLC were in large measure financed by concerts arranged by this person (HQ 100-106670-30). He also lent counsel to King and the SCLC on the tax consequences of charitable gifts.

On political strategy, he suggested King make a public statement calling for the appointment of a black to the Supreme Court (HQ 100-106670-32, 33). This person advised against accepting a movie offer from a movie director and against approaching Attorney General Kennedy on behalf of a labor leader (HQ 100-106670-24). In each instance his advice was accepted.

King's speech before the AFL-CIO National Convention in December, 1961 was written by this advisor (HQ 100-392452-131). He also prepared King's May 1962 speech before the United Packing House Workers Convention (HQ 100-106670-119). In 1965 he prepared responses to press questions directed to Dr. King from a Los Angeles radio station regarding the Los Angeles racial riots and from the "New York Times" regarding the Vietnam War.

The relationship between King and his advisor, as indicated, is clear to the task force. What is not clear is whether this relationship ought to have been considered either a possible national security threat or CPUSA directed. We conclude that justification may have existed for the opening of King's security investigation but its protracted continuation was unwarranted.

Our conclusion that the investigation's opening may have been justified is primarily based on memoranda, summarized below, written during the first six months of 1962. It is pointed out that in October, 1962 the Bureau ordered the COMINFIL SCLC investigation (HQ 100-438794-9).

In January the Director wrote the Attorney General and told him that one of King's advisors was a communist. At this time he also pointed out that the advisor wrote King's December, 1961 AFL-CIO speech and assisted King in SCLC matters (HQ 100-392452-131).

In March the Attorney General was advised that a March 3, 1962 issue of "The Nation" magazine carried an article critical of the administration's handling of civil rights. The article was ostensibly written by Martin Luther King but in fact the true author was another advisor characterized by the FBI as a ranking member of the Communist Party (HQ 100-106670-30, 31).

In May the Attorney General learned that the CPUSA considered King and the SCLC its most important work because the Kennedy Administration was politically dependent upon King (HQ 100-106670-58).

Lastly, in June, 1962 the Attorney General became aware that King's alleged Communist advisor had recommended the second ranking Communist to be one of King's principal assistants (HQ 100-106670-79, 80). Later King accepted the recommendation.

The conclusion that the investigation's continuance was unwarranted is based on the following task force finding:

The Bureau to date has no evidence whatsoever that Dr. King was ever a communist or affiliated with the CPUSA. This was so stated to us by representatives of the Bureau's Intelligence Division during our September 2, 1976 conference. This admission is supported by our perusal of files, which included informants' memoranda and physical, microphone and telephone surveillance memoranda, in which we found no such indication concerning Dr. King.

The Bureau provided us with no documentation that the SCLC under Dr. King was anything other than a legitimate organization devoted to the civil rights movement.

The Bureau files that we examined lacked any information that the alleged Communists' advice was dictated by the CPUSA or inimical to the interests of the United States. Indeed, in early 1963 the Bureau learned through reliable sources the principal advisor had disassociated himself from the CPUSA. His reason was the CPUSA was not sufficiently involving itself in race relations and the civil rights movement (HQ 100-392452-195).

3. King-Hoover Dispute

The flames of Director Hoover's antipathy for Dr. King were fanned into open hostility in late 1962 when Dr. King criticized the Bureau's performance during an investigation of a racial disturbance in Albany, Georgia. Efforts to interview King by the Bureau were not successful (HQ 157-6-2-965) and the matter lay dormant for a time.

The controversy was publicly rekindled in early 1964 when the Director testified before a House appropriations subcommittee that he believed communist influence existed in the Negro movement. King countered by accusing the Director of abetting racists and right wingers (HQ 100-3 116-1291). During November of 1964, the Director told a group of Washington women reporters that King was "the most notorious liar in the country." A week later, Director Hoover referred to "sexual degenerates in pressure groups" in a speech at Loyola University (HQ 162-7827-16).

Dr. King and his immediate staff requested a meeting with Director Hoover to clear up the misunderstanding. The meeting was held on December 1, 1964. Hoover claimed that "he had taken the ball away from King at the beginning," explaining the Bureau's function and doing most of the talking. On the other hand, King apologized for remarks attributed to him and praised the work of the Bureau. Thus, an uneasy truce was momentarily reached. (HQ 100-106670-563, 607.)

However, the controversy flared again when a letter was circulated by the Southern Christian Educational Fund (SCEF) which referred to the criticism of Dr. King by the Director and urged the recipients of the letter to write or wire the President to remove Hoover from office. In a memo from Sullivan to Belmont on December 14, 1964, Sullivan stated:

> "In view of this situation, realism makes it mandatory that we take every prudent step that we can take to emerge completely victoriously in this conflict. We should not take any ineffective or half-way measures, nor blind ourselves to the realities of the situation."
> (HQ 100-106670-627.)

We believe the persistent controversy between Dr. King and Director Hoover was a major factor in the Bureau's determination to discredit Dr. King and ultimately destroy his leadership role in the civil rights movement.

4. Technical Surveillance

Our review of FBI files and interviews with Bureau personnel substantially confirms with a few additions the findings which have already been reported by Mr. Murphy and the Senate Select Committee on Intelligence with respect to the electronic surveillance of Dr. King and his associates.

We found that some microphone surveillances were installed in New York City against Dr. King and his associates which have not thus far been reported. These installations were as follows:

Americana Hotel (HQ 100-106670-2224, 4048)
4/2-3/65 (symbol)
6/3-3/65 (symbol)
1/21-24/66 (no symbol)

Sheraton Atlantic (NY 100-136585 Sub-Files 7-8)
12/10-11/65 (symbol)

New York Hilton (NY 100-136585 Sub Files 11-12)
10/25-27/65 (symbol)

All of these installations with the exception of the placement at the Americana Hotel in January, 1966 appear to have been unproductive either because Dr. King did not reside at the hotel as planned or the recordings made did not pick up any significant information.

The installation by the New York Field Office at the Americana Hotel on January 21, to 24, 1966, caused some consternation within the FBI hierarchy and is illustrative of how the Bureau apparatus could, on rare occasion, continue to function even contrary to the wishes of the Director. The installation was made at the Americana on January 21, 1966, pursuant to the request of SAC Rooney in New York. Assistant Director William Sullivan authorized the coverage. Bureau files indicate that Associate Director Clyde Tolson, upon being informed of the coverage, wrote back on the same day in a rather perturbed fashion to have the microphone removed "at once." Tolson advised the Director that "no one here" approved the coverage and that he had again instructed Sullivan to have no microphone installations without the Director's approval. Hoover confirmed Tolson's directive. (HQ 100-106670-2224X).

No symbol number was ever attached to this coverage as was the standard practice. This was apparently due to the strong disapproval voiced by Headquarters. Yet, despite

Hoover's orders, the coverage was maintained and a good deal of intelligence on King's personal activities was obtained and transcribed. These activities are reflected in a six page memorandum. (HQ 100-106670-4048.)

Irrespective of the level of Bureau approval which was required for electronic surveillance installations during the King years, our review reinforced the conclusions of the Senate Select Committee that the purposes behind this intelligence gathering became twisted. Several instances of Bureau correspondence are instructive. Section Chief Baumgardner in recommending coverage of King in Honolulu urged an exposure of King's "moral weakness" so that he could be "for the security of the nation, completely discredited" (HQ 100-106670 June File, Memo Baumgardner to Sullivan, January 28, 1964). In a similar memo from Sullivan to Belmont recommending coverage in Milwaukee at the Schroeder Hotel, the expressed purpose was to gather information on "entertainment" in which King might be engaging similar to that "uncovered at the Willard Hotel" (HQ 100-106670 June File, Memo Sullivan to Belmont, January 17, 1964).

Director Hoover, upon being informed of the results of the surveillance, ordered that they all be immediately transcribed despite DeLoach's recommendation that the transcribing be done later (HQ 100-106670-1024). As each of the file reviews has shown, portions of summaries of the transcripts were widely disseminated among governmental officials. These disseminations included a rather comprehensive six volume transmittal by the Bureau in June, 1968. This was at the apparent request of the President through Special Counsel Larry Temple for all information concerning Dr. King, including the instructions and approval of former Attorney General Kennedy regarding the electronic surveillance of King (Memo R. W. Smith to William Sullivan, June 2, 1968, referring to memo DeLoach to Tolson, May 24, 1968, setting forth the President's request). Included with the transcripts were several summaries, previously disseminated, and several hundred pages of Bureau communications to the White House from 1962 to 1968 regarding King and his associates. The purpose of the White House request was not stated, but it was the most complete accumulation of transmitted information on the electronic surveillance of King which we encountered during our review of Bureau files. The task force noted the timing of the alleged White House request and subsequent transmittal particularly in light of

Director Hoover's communication to the White House on March 26, 1968 (included in the transmittal) which advised that Robert Kennedy had attempted to contact Dr. King before announcing his candidacy for the Presidency (HQ 100-106670-3262).

The task force reviewed selected portions of all of the transcripts in the King file as well as selected portions of several tapes from which the transcripts were obtained. An inventory of the tapes reviewed is set forth below:

1) Washington, D.C., 1/5-6/64 (Willard Hotel, 15 reels) - Reel Nos. 1-6, 9, 10, 11, 12 and 14

2) Atlanta Tape (symbol) (one reel)

3) Composite Tape 12/15/64
Track No. 1 - Washington, D.C. recordings
(edited version of 15 reels)

Essentially, we reviewed the tapes by listening to the beginning, middle, and end of each tape and compared it to the corresponding transcript. They were basically accurate transcriptions in the sense that what was in the transcripts was also on the tapes. However, some material on the tapes was not put on the transcripts apparently because either that portion of the recording was garbled or unclear or it was considered unimportant.

Our review of the composite tape, the Atlanta tape and the agents handwritten notes included in the box with the recordings from the Willard Hotel gave an additional indication of where the Bureau's interest lay with respect to Dr. King. The composite tape contained "highlights" of the fifteen reels of tape from the Willard Hotel and appeared to consist of little more than episodes of private conversations and activities which the Bureau chose to extract from the original recordings. The Atlanta tape was obtained from the telephone tap on the King residence and consisted of several of Dr. King's conversations. These included conversations of Dr. King with his wife regarding his personal life and had nothing to do with his political or civil rights activities. The handwritten notes from the original Willard tapes contained notations as to what point in the tape a particular personal activity or conversation took place.

5. COINTELPRO Type and Other Illegal Activities

The task force has documented an extensive program within the FBI during the years 1964 to 1968 to discredit Dr. King. Pursuant to a Bureau meeting on December 23, 1963 to plan a King strategy and the Sullivan proposal in January, 1964 to promote a new black leader, the FBI accelerated its program of disseminating derogatory information, which was heavily fraught with the Bureau's own characterizations of King, to various individuals and organizations who were in critical positions vis-a-vis the civil rights leader. Our review has essentially confirmed those already performed by the Civil Rights Division and the Senate Select Committee and we, therefore, do not dwell on those areas which they have already covered. We did find, however, additional proposed activities against Dr. King, some of which were approved by the Director. They are instructive not only in revealing the extent to which the Bureau was willing to carry its efforts but also in showing the atmosphere among some of the rank and file which this program against King created.

In November, 1964, the Bureau discovered that Dr. King was desirous of meeting with high British officials while in England during King's planned trip to Europe. Section Chief Baumgardner recommended a briefing for the purpose of informing British officials concerning King's purported communist affiliations and private life (HQ 100-106670-522, 523). Within three days the briefings had been completed (HQ 100-106670-525, 534, 535).

One particular dissemination, the contents of which was not revealed in the files, was apparently initiated and carried out personally by the Director. On January 22, 1965, the SAC in Atlanta advised Mr. Sullivan that, pursuant to their electronic surveillance, the Bureau learned that King had phoned Ralph Abernathy and complained that Hoover had had a meeting with a particular Atlanta official while in Washington attending the Inauguration. According to King, when this official returned to Atlanta he contacted Dr. King senior and passed on a "good deal" of information. According to Sullivan's memo to Belmont, Dr. King, Jr. was very upset (HQ 100-106670-768). The files did not reveal any formal proposal for this briefing but Section Chief Baumgardner later speculated that the Atlanta official was Chief of Police Jenkins since the Director had met with him on January 18, 1965 (HQ 100-106670-780). The files do not indicate whether the Director suggested that the information be passed on to Dr. King's father.

In connection with the post-assassination efforts to declare a national holiday in memory of Dr. King the Senate Select Committee has outlined in its report the attempts by the Bureau to prevent such a declaration by briefing various members of Congress on King's background (HQ 100-106670-3586). We discovered that the Bureau also sent a monograph on King to the President and the Attorney General in 1969 for this same purpose (HQ 100-106670-3559).

The Bureau's efforts to discredit Dr. King's movement also included attempts to damage the reputation of King's family and friends. The Bureau looked very closely at Coretta King although a security investigation was never opened. This included scrutinizing her travels in an attempt to uncover possible facts embarrassing to her. These attempts also included a plan, proposed by Assistant to the Director DeLoach and approved by Hoover to leak information to the press that Coretta King and Ralph Abernathy were deliberately plotting to keep the assassination in the news by claiming a conspiracy existed in order to keep monetary contributions flowing for their benefit (HQ 44-38861-5654).

Ralph Abernathy and Andrew Young also became Bureau targets. Shortly after the assassination the field was instructed to report any information on possible "immoral activities" of King's two associates (HQ 62-108052-Unrecorded serial, Atlanta to Director, April 29, 1968). Presumably there were COINTELPRO type purposes behind this request.

The Atlanta Field Office in attempting to demonstrate the initiative and imagination demanded by Headquarters proposed additional measures against Ralph Abernathy. The Bureau learned that after Dr. King's death, Rev. Abernathy may have voiced some concern over possible assassination attempts on his own life. The Atlanta office proposed that the Bureau begin notifying Abernathy directly (instead of only informing the police) of all threats against him in order to confuse and worry him (HQ 62-108052-Unrecorded serial, Atlanta to Director, March 28, 1969). This activity was not approved by Headquarters.

Bureau files indicate that the FBI may have also attempted to help the executive branch in its efforts to deal with Abernathy after King's death. In a memo to Associate Director Tolson, Director Hoover related a telephone conversation with former Vice President Agnew in which Mr. Agnew expressed concern over the "inflammatory" statements which Abernathy had made. The Vice President was seeking information from Hoover which could be useful in destroying the credibility of Rev. Abernathy. Hoover agreed to the request (HQ 100-106670-Unrecorded serial, Hoover to Tolson, May 18, 1970). We did not find what information, if any, was forwarded to the Vice President.

Finally, we discovered that a series of illegal surreptitious entries was conducted by the FBI. Some of these entries had as one purpose, among others, the obtaining of information about Dr. King. The FBI in the review of its indices was unable to locate records of any entries onto the premises of Dr. King or the SCLC.

The agents began to retrieve information about Dr. King during these entries through the use of photographs. In one instance a supervisor in the appropriate field office requested authority to conduct an entry for the express purpose of obtaining information about Dr. King. The proposed entry was approved at Headquarters pursuant to a telephone call by an Inspector and was later conducted.

On four subsequent occasions the Bureau again conducted entries and obtained information concerning King and the SCLC. On one such occasion a specimen of King's handwriting was obtained. The purpose of gathering this piece of intelligence was not revealed.

Bureau policy at the time of these entries required the approval of such field requests by Director Hoover or Associate Director Tolson (Memo Director, FBI, to Attorney General, September 23, 1975). We assume that such approval was granted. Handwritten notations on the field office memos indicate that the Bureau was advised of the entries in each case.

We also raise the issue of these illegal entries because aside from being violative of Fourth Amendment rights the entries ran the risk of invading a privileged relationship.

We note in passing that the FBI continued to employ an informant in the SCLC despite the fact that the informant conceded to agents that the informant had embezzled some SCLC funds. The Bureau voiced strong disapproval of these activities. Yet, no legal or disciplinary action was ever taken with respect to the informant (HQ 134-11126-56, 57).

B. Critical Evaluation of the Security Investigation

In the area of domestic intelligence the mandate of the FBI has been both broadly and vaguely defined. It is stated in the Code of Federal Regulations as follows:

> (The FBI shall:) carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950 and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters (28 CFR 0.85 (d)).

Given this charter and the history of the sometimes overpowering influence of the views of the late Director J. Edgar Hoover on his subordinates and on succesive Attorneys General, it was understandable that a security investigation should be initiated into the possible influence of the Communist Party, U.S.A., on Dr. Martin Luther King, Jr. Two of King's close advisors, at the outset of the security matter, were reported to be Communist Party members by sources relied upon by the Bureau.

The security investigation continued for almost six years until Dr. King's death. It verified, in our view, that one alleged Communist was a very influential advisor to Dr. King (and hence the Southern Christian Leadership Conference) on the strategy and tactics of King's leadership of the black civil rights movement of the early and mid-sixties. Another had no such weight although he seemed to be of use to King. But this very lengthy investigative concentration on King and on the principal advisor established, in our opinion, that he did not "sell" Dr. King any course of conduct or of advocacy which can be identified as communist or "Party line". King, himself never varied publicly or privately from his commitment to non-violence and did not advocate the overthrow of the government of the United States by violence or subversion. To the contrary, he advocated an end to the discrimination and disenfranchisement of minority groups which the Constitution and the courts denounced in terms as strong as his. We concluded that Dr. King was no threat to domestic security.

And the Bureau's continued intense surveillance and investigation of the advisor clearly developed that he had disassociated himself from the Communist Party in 1963 because he felt it failed adequately to serve the civil rights movement. Thus the linch-pin of the security investigation of Dr. King had pulled himself out.

We think the security investigation which included both physical and technical surveillance, should have been terminated on the basis of what was learned in 1963. That it was intensified and augmented by a COINTELPRO type campaign against Dr. King was unwarranted; the COINTELPRO type campaign, moreover, was ultra vires and very probably in violation of 18 U.S.C. 241 (and 242), i.e. felonious.

The continuing security investigation reflects also that the Attorney General and the Division charged with responsibility for internal security matters failed badly in what should have been firm supervision of the FBI's internal security activities.

IV. RECOMMENDATIONS

A. As To The Murder Investigation

The task force does not fault the technical competence of the investigation conducted into the death of Dr. King. We found no new evidence which calls for action by State or Federal Authorities. Our concern has developed over administrative concomitants of the crime detection tactics.

1. The progress of such sensitive cases as the King murder investigation and the development of legally sufficient evidence to sustain prosecution are properly the ultimate responsibility of the Division of the Department having supervision of the kind of criminal prosecution involved. The Division head should delineate what progress reports he wishes. The Bureau should not be permitted to manipulate its submission of reports to serve its purposes, such as the protection of its public relation efforts, or the prevention of the responsible Division of the Department from causing the Bureau to pursue a line of inquiry which the Bureau does not approve. The Attorney General and his Assistants are the officers most accountable to the electorate and they, not the police agency, must maintain effective supervision.

2. As a corollary of our espousal of tighter Department authority over the FBI, we recommend that the Bureau's public relations activities and press relations be controlled by the Attorney General's Office of Public Information. Clear directives to prevent the development of personality cults around particular Bureau Directors and officials should be drawn. Bureau press releases should be cleared through the Office of Public Information.

3. The task force recommends that in sensitive cases no criminal action be instituted by the Bureau without the closest coordination and consultation with the supervising Division of the Department. This supervision by the Department should be as tight as the control and consultation the Bureau had with its Field Offices as exhibited in our review of the assassination investigation.

4. It was observed that almost no blacks were in the FBI special agent's corps in the 1960's and none in the Bureau's hierarchy. This undoubtedly had the effect of limiting not only the outlook and understanding of the problems of race relations, but also must have hindered the ability of investigators to communicate fully with blacks during the murder investigation. By way of illustration had there been black agents in the Memphis Field Office participating fully in the investigation of Dr. King's murder, it is unlikely that the interviews with

at least three black members of the Memphis Police and Fire Department would have been overlooked. It is also very probable that black citizen "lead" input would have been greater.

B. As To The Security Investigation

The task force was charged to address itself particularly to the question of whether the nature of the relationship between the Bureau and Dr. King called for criminal prosecution, disciplinary proceedings, or other appropriate action. Our responses follow.

1. Because the five year statute of limitations has long since run we cannot recommend criminal prosecution of any Bureau personnel, past or present, responsible for the possible criminal harrassment of Dr. King. (18 U.S.C. 3282). No evidence of a continuing conspiracy was found.

2. The responsibility for initiating and prolonging the security investigation rested on the deceased Director of the Bureau and his immediate lieutenants, some of whom are also deceased and the remainder of whom are retired. They are beyond the reach of disciplinary action. The few Bureau personnel who had anything to do with the King security investigation and who are still in active service, did not make command decisions and merely followed orders. We do not

think they are the proper subjects of any disciplinary action. Some of the activities conducted, such as the technical electronic surveillance, had the approval of the then Attorney General. The Courts had not adequately dealt with what authority rested in the executive branch to initiate such surveillance in the interest of "national security". We do not think the "leg men" in the Bureau should be held to an undefined standard of behavior, much less a standard not observed by the highest legal officer of the government.

The Bureau's COINTELPRO type activities, the illicit dissemination of raw investigative data to discredit Dr. King, the efforts to intimidate him, to break up his marriage, and the explicit and implicit efforts to blackmail him, were not fully known to the Department, but were none-the-less ordered and directed by Director Hoover, Assistant to the Director DeLoach, Assistant Director Sullivan and the Section Chief under him.

In our view their subordinates were far removed from decision responsibility. Moreover, we think the subordinates clearly felt that, by reason of Director Hoover's overpowering and intimidating domination of the Bureau, they had no choice but to implement the Bureau's directions. Punitive action against the very few remaining subordinate agents would seem to the task force to be inappropriate in these circumstances and at this very late date.

3. The Bureau's illicit surveillance produced tapes and transcripts concerning King and many others. These may be sought by King's heirs and representatives. Worse still, they may be sought by members of the public at large under the Freedom of Information Act. We recommend that these tapes and transcripts be sealed and sent to the National Archives and that the Congress be asked to pass legislation denying any access to them whatever and authorizing and directing their total destruction along with the destruction of material in reports and memoranda derived from them.

4. The potential for abuse by the individual occupying the office of Director of the FBI has been amply demonstrated by our investigation. We think it is a responsibility of the Department in the first instance and, secondarily, of the Congress to oversee the conduct of the FBI (and the other police agencies of the government). We endorse the establishment by the Attorney General of the Office of Professional Responsibility on December 9, 1975, as an effective means for intra-departmental policing of the Bureau. We also think the permanent

Senate Select Committee on Intelligence is an appropriate agency of the legislative arm to oversee the performance of the Bureau. Both the Office of Professional Responsibility and the Senate Select Committee should be expressly designated in their respective enabling regulations and resolutions to be a place to which Bureau subordinates may complain, confidentially and with impunity, of orders which they believe to threaten a violation of the civil rights and liberties of citizens and inhabitants of the United States.

5. It seems to us that the unauthorized malicious dissemination of investigative data from FBI files should be more than the presently prescribed misdemeanor (5 USC 552a(i)(1)). A felony penalty should be added.

Parenthetically, it should be noted here that it should be made clear that it is improper (but not criminal) for the Bureau to by-pass the Attorney General and deal directly with the White House.

6. The task force recommends that the FBI have no authority to engage in COINTELPRO type activities which involve affirmative punitive action following Star Chamber decisions with respect to citizens or inhabitants (See 18 U.S.C. 241 and 242). We believe that the guidelines which the present Attorney General has established to govern the FBI's domestic security investigations effectively preclude these activities. Those guidelines moreover, appear to us to permit only strictly legal investigative techniques to be employed in full scale domestic security investigations. This too we endorse.

The foregoing comprises our report and recommendations. It is respectfully submitted.

The Martin Luther King, Jr.
Review Task Force

Fred G. Folsom
FRED G. FOLSOM

James F. Walker
JAMES F. WALKER

JOSEPH F. GROSS, JR.

William D. White
WILLIAM D. WHITE

James R Kieckhefer
JAMES R. KIECKHEFER

January 11, 1977

APPENDIX A

EXHIBIT 1

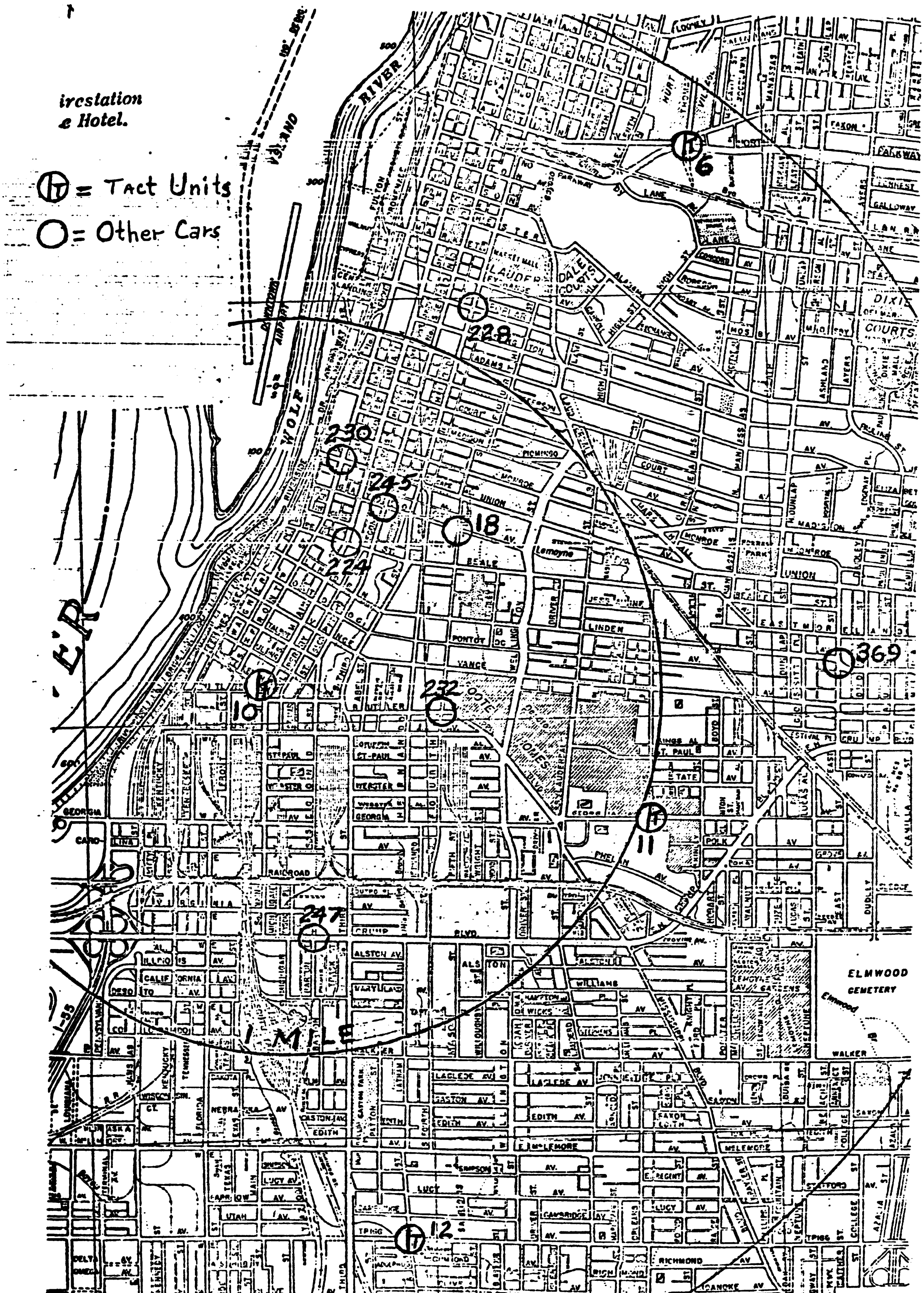
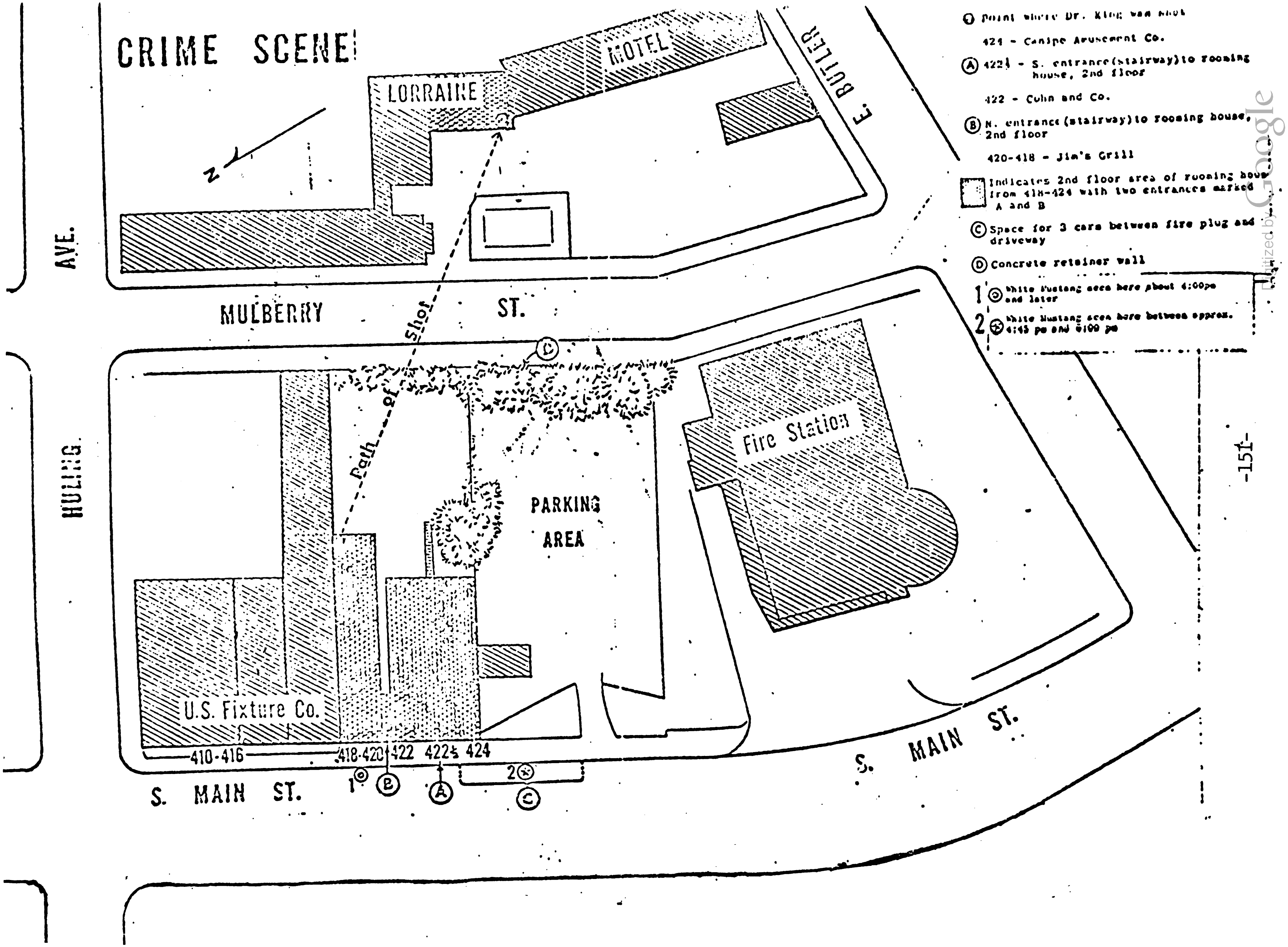
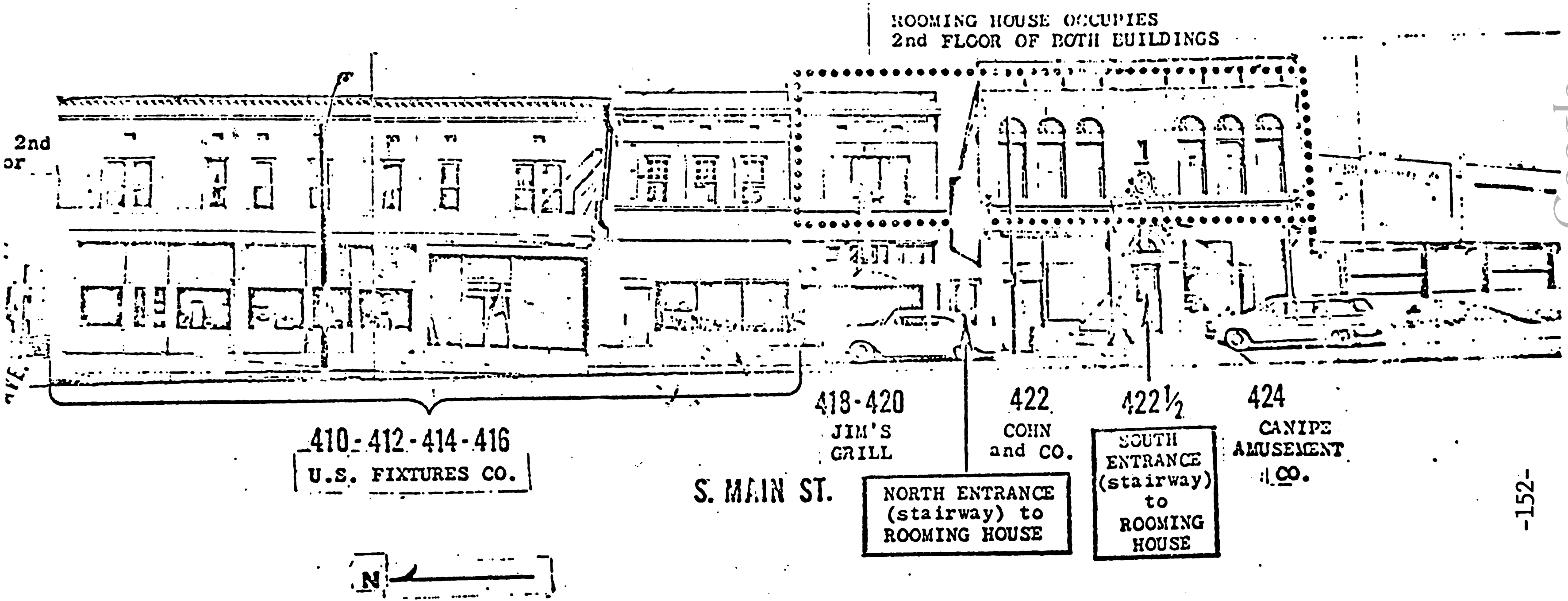
ircstation
e Hotel.
= Tact Units
= Other Cars
6
228
230
245
18
224
369
10
232
11
247
12
1 MILE
2 MILES
WOLF RIVER
DALE COURTS
LAUDERDALE COURTS
DIXIE COURTS
ELMWOOD CEMETERY
BEALE
UNION
MADISON
MONROE
LINDEN
VANCE
CRUMP BLVD.
MCLEMORE
PARKWAY
I-55

EXHIBIT 2


CRIME SCENE!
N
LORRAINE
MOTEL
E. BUTLER
AVE.
MULBERRY
ST.
HULING
Path of Shot
Ⓓ
PARKING AREA
Fire Station
U.S. Fixture Co.
410-416
418-420
422
422½
424
1⊙
Ⓑ
Ⓐ
2⊗
Ⓒ
S. MAIN ST.
S. MAIN ST.
⊙ Point where Dr. King was shot
424 - Canipe Amusement Co.
Ⓐ 422½ - S. entrance(stairway)to rooming house, 2nd floor
422 - Cohn and Co.
Ⓑ N. entrance(stairway)to rooming house, 2nd floor
420-418 - Jim's Grill
▨ Indicates 2nd floor area of rooming house from 418-424 with two entrances marked A and B
Ⓒ Space for 3 cars between fire plug and driveway
Ⓓ Concrete retainer wall
1 ⊙ White Mustang seen here about 4:00pm and later
2 ⊗ White Mustang seen here between approx. 4:45 pm and 6:00 pm



COMPOSITE PHOTO of
410-424 S. MAIN ST.

SECOND FLOOR PLAN of ROOMING HOUSE

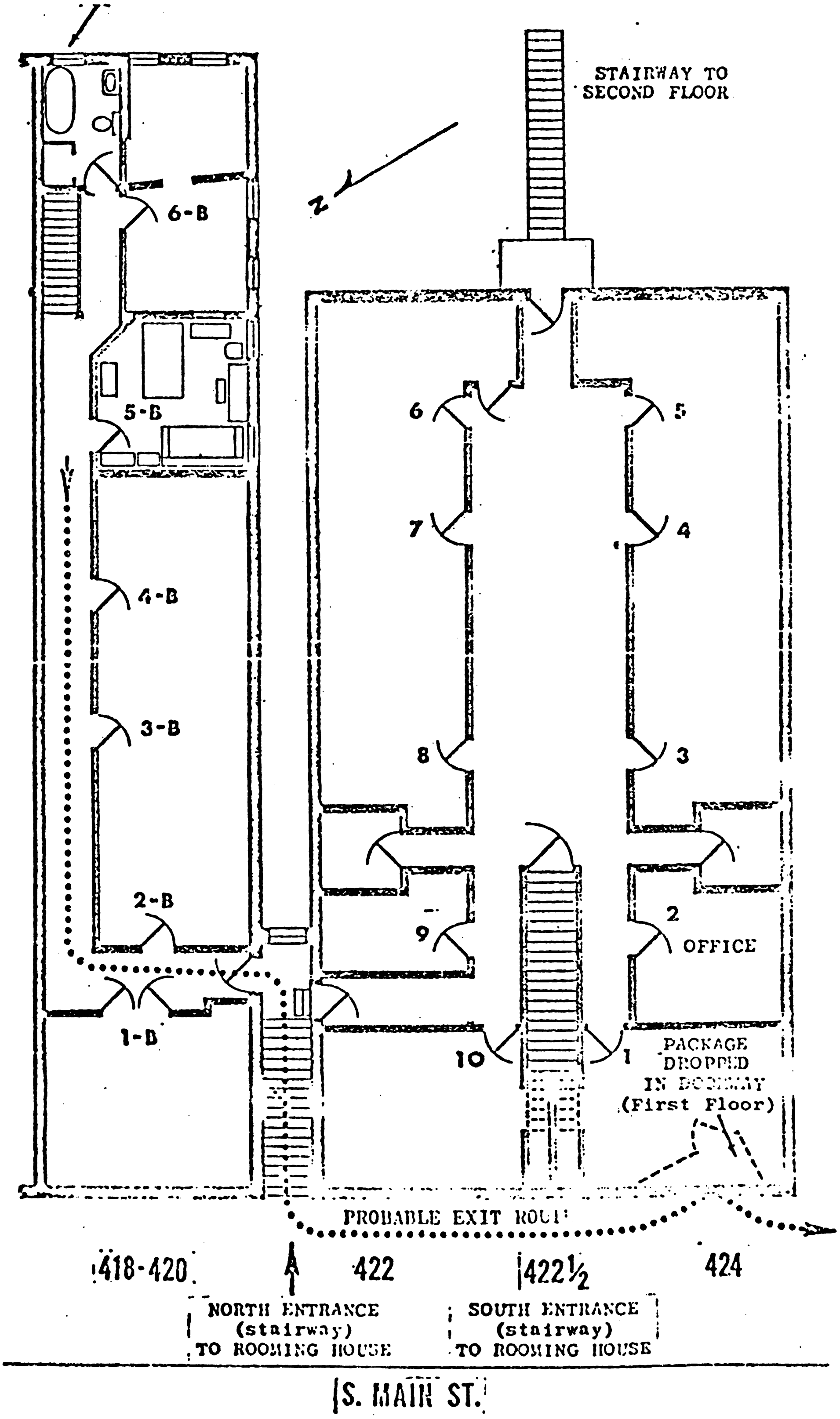

BATHROOM WINDOW FROM WHERE SHOT WAS FIRED
N
STAIRWAY TO SECOND FLOOR
6-B
5-B
4-B
3-B
2-B
1-B
6
5
7
4
8
3
9
2
OFFICE
10
1
PACKAGE DROPPED IN DOORWAY (First Floor)
PROBABLE EXIT ROUTE
418-420
422
422½
424
NORTH ENTRANCE (stairway) TO ROOMING HOUSE
SOUTH ENTRANCE (stairway) TO ROOMING HOUSE
S. MAIN ST.

EXHIBIT 3

PROVISIONAL ( )
FINAL (X)

TENNESSEE DEPARTMENT OF PUBLIC HEALTH

CASE NO A68-252
COUNTY Shelby

OFFICE OF THE CHIEF MEDICAL EXAMINER

858 Madison Avenue
Memphis, Tennessee 38103

AUTOPSY REPORT

NAME OF DECEDENT Martin Luther King, Jr. RACE N SEX M AGE 39

HOME ADDRESS Atlanta, Georgia
NUMBER OR STREET CITY OR TOWN STATE

COUNTY MEDICAL EXAMINER J. T. Francisco, M.D.

ADDRESS Memphis, Tennessee

DISTRICT ATTORNEY GENERAL Phil A. Canale

ADDRESS Memphis, Tennessee

ANATOMICAL DIAGNOSIS Gunshot wound to body and face with:
Fracture of mandible
Laceration vertebral artery, jugular vein and subclavian artery, right,
Laceration of spinal cord (lower cervical, upper thoracic),
Intrapulmonary hematoma, apex, right upper lobe

CAUSE OF DEATH Gunshot wound to spinal column, lower cervical, upper thoracic

NARRATIVE OF FINDINGS Death was the result of a gunshot wound to the chin and neck with a total transection of the lower cervical and upper thoracic spinal cord and other structures in the neck. The direction of the wounding was from front to back, above downward and from right to left. The severing of the spinal cord at this level and to this extent was a wound that was fatal very shortly after its occurrence.

The purpose of this report is to provide a certified opinion to the County Medical Examiner and the District Attorney General. The facts and findings to support these conclusions are filed with the office of the State Medical Examiner.

DATE April 11, 1968 SIGNATURE JTF M.D.
J. T. Francisco
ADDRESS 858 Madison Avenue-Memphis, Tennessee

Form 388

THE CITY OF MEMPHIS HOSPITALS
AUTOPSY PROTOCOL

Autopsy No. A68-252 Service Med. Ex. Hospital No.

Name Martin Luther King, Jr. Age 39 Race Negro Sex Male

Unknown-Approximatel

Date of Admission DOA Date and Hour of Death 4-4-68 P.M.

Date and Hour of Autopsy 4-4-68 10:45 P.M.

Pathologist Drs. Sprunt and Francisco Assistant

Checked by Date Completed 4-11-68

FINAL PATHOLOGICAL DIAGNOSIS

PRIMARY SERIES:

I. Distant gunshot wound to body and face
    A. Fracture of right mandible
    B. Laceration of vertebral artery, jugular vein and subclavian artery, right
    C. Fracture of spine (T-1, C-7)
    D. Laceration of spinal cord (lower cervical, upper thoracic)
    E. Submucosal hemorrhage, larynx
    F. Intrapulmonary hematoma, apex right upper lobe

SECONDARY SERIES:

1. Remote scars as described
2. Pleural adhesions
3. Fatty change liver, moderate
4. Arteriosclerosis, moderate
5. Venous cut-downs
6. Tracheostomy

LABORATORY FINDINGS:

Blood Alcohol - 0.01%

EXHIBIT 4

JAMES EARL RAY

Some Known Expenditures: April 23, 1967 - June 8, 1968

Section	Serial	Item	Amount	Date
71	5246	Rent for one week at 2731 N. Sheffield; Chicago	$13.61	4/30/67
74	5448	1959 Chrysler; Chicago	$200.00	6/5/67
74	5413	1962 Plymouth; East St. Louis	$209.50	7/14/67
74	5437X	Bourgarde Motel; Dorion, Canada	$17.28	7/17/67
19	2192	Rent for Apt. at Harkey, Apts., 2585 Notre Dame Street, Montreal at $75/mo; Montreal	$150.00	7/19/67
60	4692	Suit at English Scotch Woolen Company; Montreal	$75.06	7/21/67
19	2192	Book ordered from Futura Books in Inglewood, Calif.; Montreal	$9.00	7/24/67
17	2068	Correspondence course at Locksmithing Institute in New Jersey; Montreal	$17.50	7/28/67
74	5402	Grey Rocks Inn from 7/30 to 8/5; Canada	$195.15	8/5/67
19	2192	Formula for making glass purchase by money order to E.Z. Formula; Montreal	$1.00	8/9/67
74	5400	Granada Hotel; Birmingham	$4.50	8/26/67
21	2324	Room and board for one week	$22.50	8/26/67
6	628	1966 White Ford Mustang; Birmingham	$1,995.00	8/30/67
21	2324	Room and board; Birmingham	$22.50	9/2/67
21	2324	Room and board; Birmingham	$22.50	9/9/67
21	2324	Dance lessons; Birmingham	$10.00	9/12/67

Section	Serial	Item	Amount	Date
21	2324	Room and board; Birmingham	$22.50	9/16/67
21	2324	Room and board; Birmingham	$22.50	9/23/67
9	1135	Camera equipment, Superior Bulk Film Co.; Birmingham	$337.24	9/28/67
18	2118	Room only; Birmingham	$17.50	9/20/67
55	1422	.38 Caliber, Liberty Chief Revolver	$65.00	10/1/67
75	5496	Hotel San Francisco - 10/10; Acapulco	$6.00	10/11/67
75	5496	Pancho Villa - 10/15; Guadalajara	$3.20	10/16/67
75	5496	Pancho Villa - 10/18; Guadalajara	$3.20	10/19/67
69	5150	Hotel Rio at $4.80/day-10/19-11/6; Puerto Vallarta	$91.20	11/6/67
69	5150	Elisa Arellano to rent apt.; Puerto Vallarta	$48.00	11/ /67
69	5150	Hotel Tropicana at $7.20 day - 11/7-11/13; Puerto Vallarta	$43.20	11/13/67
6	668	Rent at 1535 N. Serrano;	$127.50	11/19/67
6	668	Utilities at 1535 N. Serrano; Los Angeles	$10.00	11/20/67
52	4143	Appointment with Dr. Mark Freeman; Beverly Hills	$25.00	11/27/67
52	4143	Appointment with Dr. Mark Freeman	$25.00	11/30/67
52	4143	Appointment with Dr. Mark Freeman	$25.00	12/4/67
52	4143	Dance lessons at National Dance Studio; Los Angeles	$29.00	12/5/67
52	4143	Appointment with Freeman	$25.00	12/6/67
52	4143	Dance lessons	$29.00	12/7/67

ection	Serial	Item	Amount	Date
52	4143	Appointment with Freeman	$25.00	12/11/67
52	4143	Dance lessons	$29.00	12/12/67
6 22	745 2325	Dance lessons	$100.00	12/14/67
52	4143	Appointment with Freeman	$25.00	12/14/67
74	5399	Provincial Motel - 12/17-12/19; New Orleans	$24.00	12/19/67
6 22	745 2325	Dance lessons	$364.00	12/21/67
22	2325	Locksmithing Institute; Los Angeles	$15.00	1/8/68
22	2325	International School of Bartending; Los Angeles	$20.00	1/19/68
22	2325	International School of Bartending; Los Angeles	$105.00	1/20/68
22	2325	Rent at St. Francis Hotel; Los Angeles	$85.00	1/21/68
12	1500	Free Press of Los Angeles	$4.25	1/29/68
22	2325	Locksmithing Institute	$7.50	1/31/68
12	1500	C.M. Hedgpeth, mail forwarding service	$3.00	2/1/68
6	668	Rent at St. Francis Hotel	$85.00	2/21/68
12	1500	Futura Books	$6.44	2/26/68
12	1500	Tiffany Enterprises	$9.98	2/26/68
22	2325	Locksmithing Institute	$7.50	2/26/68
22	2325	Locksmith Ledger	$5.25	2/26/68
12	1428	Locksmithing Institute	$15.00	3/8/68
8	1033	Room/week at 113 14th St.; Atlanta	$10.00	3/24/68

Serial	Item	Amount	Date
5502	Flamingo Motel 3/22; Selma	$8.00	3/23/68
1428	Locksmithing Institute; Atlanta	$7.50	3/28/68
5725	Travelodge Motel; Birmingham	$8.48	3/29/68
432	Purchase of rifle Birmingham	$248.59	3/29/68
1033	Room in Atlanta	$10.00	3/21/68
630	Rexall Drugstore; Whitehaven, Tenn.	$1.83	4/3/68
327	Rooming house on Main St.; Memphis	$8.50	4/4/68
46	Binoculars; Memphis	$41.55	4/4/68
4454	Rent/week at 962 Dundas St.; Toronto	$9.00	4/16/68
4454	Round trip airplane ticket; Toronto	$345.00	5/2/68

EXHIBIT 5

JAMES EARL RAY

Known Income: April 23, 1967 - June 8, 1968

Section	Serial	
68	5100	Payroll checks from Indian Trail Restaurant Winnetka, Illinois

May 7	$ 57.69
May 14	84.89
May 21	84.89
May 28	84.89
June 4	89.63
June 11	89.63
June 18	95.19
June 25	77.53
	$664.34

EXHIBIT 6

READING BIBLIOGRAPHY

Bishop, Jim. The Days of Martin Luther King, Jr. G.P. Putnam's Sons, New York, 1971.

Frank, Gerold. An American Death. Doubleday & Company, New York, 1972.

Hoch, Paul, and Scott, Peter, and Stetter, Russell. The Assassinations, Dallas and Beyond. Random House, 1976.

Huie, William Bradford. He Slew the Dreamer. Delacorte Press, New York, 1968.

McMillan, George. The Making of an Assassin. Little Brown & Co., 1976.

Seigenthaler, John. A Search for Justice. Aurora Publ., Nashville, 1971.

EXHIBIT 7

NO. 10

INITED STATES GOV .MENT

Memorandum

Tolson
Parsons
Belmont
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Trotter
W.C. Sullivan
Tele. Room
Ingram

O : MR. A. ROSEN

DATE: May 22, 1961

ROM : MR. G. H. SCATTERDAY

UBJECT:

MARTIN LUTHER KING, JR.;

Martin Luther King, Jr.

Reverend Martin Luther King, Jr., prominent integrationist who led bus boycott in Montgomery, Alabama, and "sit-in demonstrations," has been associated with National Association for the Advancement of Colored People and Congress of Racial Equality. King has not been investigated by the FBI.

Why not? H

Bureau files reveal: King thanked Socialist Workers Party (cited by Attorney General) for support of bus boycott; attended meetings of Progressive Party (cited by Subcommittee of Senate Judiciary Committee); and was honorary chairman of Young Socialist League campaign on behalf of victims of racist terror.

King in 1950's mentioned as potential victim of assassination plot and in 1957 attended Communist Party training school seminar and reportedly gave closing speech. King President of

Let me have more details. H.

Southern Christian Leadership Conference (to further Negro vote registration) and advised "The Civil Rights law...is meaningless unless we go out and make use of it." King thanked Benjamin Davis, Jr., Communist Party official, for giving blood when he was in a hospital following assault. King in 1960 indicated his support for Committee to Secure Justice for Morton Sobell (cited by House Committee on Un-American Activities (HCUA) as communist front) and in 1961 wrote article in "The Nation" which called for integration of FBI to help speed integration. King attended meetings with integration leaders in Montgomery, Alabama, 5-21-61.

EXHIBIT 8

EXHIBIT 9

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. A. H. Belmont

DATE: August 30, 1963

FROM : Mr. W. C. Sullivan

SUBJECT: COMMUNIST PARTY, USA
NEGRO QUESTION
IS - C

[illegible]

Reference is made to the enclosed material on which the Director has written: "This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists. Time alone proved you wrong. I for one can't ignore the memos re King, et al as having only an infinitesimal effect on the efforts to exploit the American Negro by the Communists."

The Director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. On investigating and writing about communism and the American Negro, we had better remember this and profit by the lesson it should teach us.

I do think that much of the difficulty relating to the memorandum rightly questioned by the Director is to be found centered in the word "influence." We do not have, and no Government agency or private organization has, any yardstick which can accurately measure "influence" in this particular context, even when we know it does exist such as in the case of the obvious influence of over Martin Luther King and King's influence over other Negro ~~leaders~~. Personally, I believe in the light of King's powerful demagogic speech yesterday he stands head and shoulders over all other Negro leaders put together when it comes to influencing great masses of Negroes. We must mark him now, if we have not done so before, as the most dangerous Negro of the future in this Nation from the standpoint of communism, the Negro and national security.

On determining membership of Negroes in the Communist Party, we are not confronted with the same problem. We do have here accurate yardsticks for establishing membership. Of course, our standards are very exacting. This means there are many Negroes who are fellow-travellers, sympathizers or who aid the Party, knowingly or unknowingly, but do not qualify as members. These we must not ignore. The old communist principle still holds: "Communism must be built with non-communist hands." Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitely conclusive evidence

Enclosure

that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive.

The memorandum which the Director penetratively questioned, while showing in the details the communist impact on Negroes, did suffer from such limitations. These limitations we will make every effort to lift in the future. The great amount of attention this Division is giving to communist activities directed toward the Negro should enable us to do this.

For example, here at the Seat of Government, the Negro - communist question takes up as a whole the time of one supervisor and during the past few weeks four men have been so occupied. Additionally, (1) specialized instructions are regularly given the field on communist infiltration of the Negro; (2) monographs have been written on the subject and widely disseminated; (3) regularly disseminated are memorand and reports; (4) August 21, 1963, we devoted the entire Current Intelligence Analysis to the communist plans for the Negro March of August 28, 1963, (149 copies of this Analysis were disseminated to 44 agencies of the Government); (5) much material on the issue is given to Agents at In-Service; and (6) an SAC Letter is under preparation in this Division now giving the field the benefit of what we learned from the Negro March on Washington and issuing instructions for increased coverage of communist influence on the Negro.

As the memorandum pointed out, "this Nation is involved in a form of racial revolution and the time has never been so right for exploitation of the Negroes by communist propagandists." Nineteen milli Negroes constitute the greatest single racial target of the Communist Party, USA. This is a sombre reality we must never lose sight of. We will do everything possible in the troubled future to develop for the Director all available facts relating to Negro membership in the Communi Party, plus the more complex and difficult to ascertain influence of communist organizations and officials over the leaders and masses of Negroes.

We regret greatly that the memorandum did not measure up to what the Director has a right to expect from our analysis.

RECOMMENDATION:

For the information of the Director.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: September 16, 1963

FROM : Mr. F. J. Baumgardner

SUBJECT: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
INTERNAL SECURITY - COMMUNIST

This memorandum recommends increased coverage of communist influence on the Negro. The history of the Communist Party, USA (CPUSA), is replete with its attempts to exploit, influence and recruit the Negro. The March on Washington, 8-28-63, was a striking example of such communist activity as Party leaders early put into motion efforts to accrue gains for the CPUSA from the March. Well-documented information concerning the Party's influence on a principal March leader, Reverend Martin Luther King, Jr., is but an example. The presence at the March of around 200 Party members, ranging from several national functionaries headed by CPUSA General Secretary Gus Hall, to many rank-and-file members, is clear indication of the Party's favorite target (the Negro) today.

All indications are that the March was not the "end of the line" and that the Party will step up its efforts to exploit racial unrest and in every possible way claim credit for itself relating to any "gains" achieved by the Negro. A clear-cut indication of the Party's designs is revealed in its plans to hold a highly secretive leadership meeting in November, 1963, which will deal primarily with the Negro situation. This meeting is to be preceded by a Gus Hall "barnstorming" trip through key areas of the country to meet Party people and thus better prepare himself for the November meeting.

The entire field is being alerted to this situation in a proposed SAC Letter (attached). The field is being instructed to intensify our coverage of communist influence on the Negro by giving fullest consideration to the use of all possible investigative techniques. In addition, the field is being told to intensify its coverage of those communist fronts through which the Party channels its influence and to intensify its investigations of the many Party members and dupes who engage in activities on behalf of the Party in the Negro field. Further, we are stressing the urgent need for imaginative and aggressive tactics to be utilized through our Counterintelligence Program--these designed to attempt to neutralize or disrupt the Party's activities in the Negro field. Necessity for prompt handling of all facets of this matter to insure timely dissemination to the Department and other interested agencies is also being emphasized.

100-3-116
1 - ~~100-3-76~~ (CPUSA, Negro Question)

11 OCT 16 1963

Memorandum to Mr. Sullivan
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
100-3-116

The proposed SAC Letter requires key security offices to submit to the Bureau, within 30 days, an analysis of their current coverage of communist activities in the Negro field plus details of their plans for intensification. Also, those 16 offices participating in the Counterintelligence Program on a regular basis are being required to include in their next monthly letters due 10-15-63 their plans to neutralize or disrupt Party activities in the Negro field.

RECOMMENDATION:

If approved, attached SAC Letter go forward apprising the field as above and urging full implementation so that the desired results may be achieved. Also attached for approval are necessary Manual changes.

No, I can't understand how you can so agilely switch your thinking & evaluation. Just a few weeks ago you contended that the Communist influence in the racial movement was ineffective & infinitesimal. This - notwithstanding many memos of specific instances of infiltration. Now you want to load the Field down with more coverage in spite of your recent memo depreciating C.P. influence in racial movement. I don't intend to waste time & money until you can make up your minds what the situation really

EXHIBIT 10

Tolson
Belmont
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Casper
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Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

9/18/63

MEMORANDUM FOR THE DIRECTOR

While the attached memorandum bears the initials of Mr. Baumgardner, it was prepared from a rough-draft furnished to him by Mr. Sullivan.

It should be understood that Sullivan, Baumgardner, Sizoo and Belmont read the memorandum and agreed with it prior to its submission.

100-3-116-253X

REC-5

Enclosure

22 DEC 5 1963

Clyde Tolson

CT:LCB

I have certainly
been misled by
previous memos
which clearly
showed communist
penetration of the
racial movement. The
attached is con-
trary to all of
that. We are wasting
manpower & money
investigating CP
[illegible]

ENCLOSURE

EXHIBIT 11

Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

To: Mr. A. H. Belmont   Date: September 25, 1963

From: Mr. W. C. Sullivan

Re: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS
INTERNAL SECURITY - C

Predication:

Reference is made to the enclosed memorandum dated 9/16/63 and to the attached proposed SAC Letter.

On returning from a few days leave I have been advised of the Director's continued dissatisfaction with the manner in which we prepared a Brief on the above-captioned matter and subsequent memoranda on the same subject matter. This situation is very disturbing to those of us in the Domestic Intelligence Division responsible for this area of work, and we certainly want to do everything possible to correct our shortcomings. We absolutely will not be stubborn about admitting any mistakes we have made or be stiff-necked and unbending concerning our analysis of this matter. The Director indicated he would not approve our last SAC Letter until there was a clarification and a meeting of minds relative to the question of the extent of communist influence over Negroes and their leaders. In this memorandum I will seriously and sincerely try to clarify a most regretable situation. It is prepared not on official office memorandum but rather on plain bond believing that this discussion need not be made a matter of official record.

Common Agreement:

First, I am sure we all are in agreement on the following which was in both the cover memorandum and the detailed brief attached: (1) for the past 44 years the Communist Party, USA, has spent enormous sums of money and ceaseless efforts to influence Negroes and to make communists out of them; (2) the 19 million Negroes in the country today constitute the greatest single racial target of the Communist Party, USA; (3) Negro leader Martin Luther King, does have as an extremely important advisor ; (4) we are right now in this nation engaged in a form of social revolution and the time has never been so right for exploitation of the Negroes by communist propagandists; and (5) the Communist Party could in the future make prodigious strides and great successes with the American Negro to the serious detriment of our national security. In addition to the above, the material furnished contained many pages of specific examples of communist policies. ~~programs and ac~~tivities

Enclosures Sent 9-26-63 REC. 40

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS .

showing communist involvement in Negro racial matters in this nation, relative to which we can all agree.

Essence of the Situation:

The essence of the situation seems to be this: We presented what facts there are in our files in the Brief in question and I know that the Director certainly would not want us to do other than this. The position taken at the time the Brief was written was that, while there is communist influence being exerted on Negroes and Negro leaders, it has not reached the point of control or domination. This historically has been the position of the Bureau in this matter in light of file reviews going back ten to twenty years. Certainly this is not true with respect to the King connection.

The Historical Position:

For example, in a detailed document prepared on Communist Party and the Negro in 1953, we find the statement referring to "the failure of the Communist Party to attract even a significant number of Negroes in the United States to its number." Another example is to be found in an analysis in this same field prepared by the Bureau in 1956 to the effect that communist efforts have been "unsuccessful on a state or national level" in infiltrating "legitimate Negro-fraternal, protest and improvement organizations," although they made limited success in some "isolated chapters." The Director's book, Masters of Deceit, published in 1958, states: "It became obvious that the Party, despite great efforts, had failed to win over even a significant minority of Negroes." In 1960 the Director's statement to The Committee on the Judiciary, United States Senate, reads: "It is no secret that one of the bitterest disappointments of communistic efforts in this Nation has been their failure to lure our Negro citizens into the Party." In 1962 similar public statements were made. On page seven of the Brief submitted to the Director under the date of August 23, 1963, this historical position was restated and it was said, "One of the bitterest disappointments of the communists has been their single failure to lure any significant number of our Negro citizens into the Party." This statement was set forth again in the cover memorandum which the Director marked.

The point I wish to make here is this: The fact that this has been our historical position in the Bureau for many years is no reason to assume that it is the correct position at this time, as the Director has clearly explained. Times and conditions change and, as the evidence mounts, naturally we need to change our position along with this evidence.

Interpretation:

As we know, facts by themselves are not too meaningful, for they are somewhat like stones tossed in a heap as contrasted to the same stones put in the form of a sound edifice. It is obvious to us now that we did not put the proper interpretation upon the facts which we gave to the Director.

Martin Luther King:

We have been aware of the communist influence for nearly two years on Martin Luther King, Jr., head of the Southern Christian Leadership Conference, and in the comprehensive memorandum entitled "Communist Party, USA, Negro Question," dated 8/23/63 we set out information to the effect that a number of Negro leaders in this country have had subversive connections in their backgrounds and that Martin Luther King, Jr., has been dealing with

As previously stated, we are in complete agreement with the Director that communist influence is being exerted on Martin Luther King, Jr., and that King is the strongest of the Negro leaders. As we have stated before in a memorandum, we regard Martin Luther King to be the most dangerous and effective Negro leader in the country. In addition, we know the Party is directing a major effort toward strengthening its position among the Negroes inasmuch as we have information the Party plans to intensify its efforts to exploit the racial situation for the purpose of gaining influence among the Negroes.

Memorandum for Mr. Belmont
RE: COMMUNIST PARTY, USA
NEGRO QUESTION
COMMUNIST INFLUENCE IN RACIAL MATTERS

SAC Letter to the Field

I would like to set forth here briefly why I think that the enclosed SAC Letter, which was returned to us by the Director, should be sent to the field offices. My first reason is this: We need to renew our efforts and keep the pressure on and leave no stone unturned to develop every and all facts which exist in this matter. Some of these facts may not yet have been unearthed by our field offices, and will not be unless we follow up this matter evermore closely with them. My second reason why I think the SAC Letter should be sent is related to the present changing situation inthe Communist Party - Negro relations area. During the past two weeks in particular there have been sharp stepped-up activities on the part of communist officials to infiltrate and to dominate Negro developments in this country. Further, they are meeting with successes. This should be no surprise to us because since the Negro march on Washington on August 28 communist officials have been doing all possible to exploit the very troubled racial situation. As they said weeks ago, the end of the Negro march would be the beginning of evermore systematic activities on their part to penetrate and influence Negroes and Negro leaders. They are now in full force acting upon this intention of theirs expressed weeks ago. The field should be alerted to this fact and given instructions to investigate exhaustively new communist - Negro activities. The SAC Letter in question will be a great help toward this end, and it should result in our developing important facts relating to the current changes and pertinent activities going on during the past few weeks in this entire field.

Subject of Deep Concern

May I repeat that our failure to measure up to what the Director expected of us in the area of communist - Negro relations is a subject of very deep concern to us in the Domestic Intelligenc Division. We are disturbed by this and ought to be. I want him to know that we will do everything that is humanly possible to develop all facts nationwide relative to the communist penetration and influence over Negro leaders and their organizations.

RECOMMENDATIONS:

(1) That the Director reconsider giving approval for sending the enclosed SAC Letter to the field.

O.K.
H

(2) In order that other agencies and prominent government officials will be aware of the determined efforts of the Communist Party to exploit the racial situation, if the Director approves we will prepare a concise document setting forth clearly those attempts to penetrate, influence, and control the Negro movement. By setting these facts forth, succinctly and clearly, the reader cannot help but be impressed with the seriousness of the communist activities.

O.K.
H

EXHIBIT 12
(Classified)

EXHIBIT 13

Tolson
Belmont
Mohr
Casper
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Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

10/17/63

File

CP USA - Negro Question - Communist Influence in Racial Matters

MR. TOLSON:

The attached analysis of Communism and the Negro Movement is highly explosive. It can be regarded as a personal attack on Martin Luther King. There is no doubt it will have a heavy impact on the Attorney General and anyone else to whom we disseminate it. It is labeled TOP SECRET. However, even such a high classification seems to be no bar today to a leak, and should this leak out it will add fuel to a matter which may already be in the cards as a political issue during the forthcoming Presidential campaign.

The memorandum makes good reading and is based on information from reliable sources. We may well be charged, however, with expressing opinions and conclusions, particularly with reference to some of the statements about King.

We must do our duty. H

This memorandum may startle the Attorney General, particularly in view of his past association with King, and the fact that we are disseminating this outside the Department. He may resent this. Nevertheless, the memorandum is a powerful warning against Communist influence in the Negro movement, and we will be carrying out our responsibility by disseminating it to the people indicated in the attached memorandum.

I am glad you recognize at last that there exists such influence. H

A. H. Belmont

AHB:CSH

EX-108

100-3-116-45

6 OCT 23 1963

345

58 NOV 4

EXHIBIT 14

DEC 15 1976

FGF:JFW:vek

Mr. James Earl Ray
Post Office Box 73
Brushy Mountain Penitentiary
Petros, Tennessee 37845

Dear Mr. Ray:

In May of 1976 the Attorney General of the United States created a task force for the purpose of reviewing the FBI's investigation of the assassination of Dr. Martin Luther King, Jr.

The task force is now in the process of winding up its inquiry before submitting a final report to the Attorney General. However, we feel that our inquiry will not be complete unless we give you an opportunity to state your participation, or lack of participation, in the murder of Dr. King.

Accordingly, we hereby request, through your attorney, James H. Lesar, Esquire, your consent to an interview by members of the task force. If you should agree to talk to us, our time schedule requires us to arrange for the interview to take place not later than December 31, 1976.

Please let us know immediately whether you desire to be interviewed.

Sincerely,

Fred G. Folsom
Director
Martin Luther King, Jr., Task Force

cc: James H. Lesar, Esquire

EXHIBIT 15

Brushy Mountain Penitentiary
Petros, Tennessee 37845

Mr. James H. Lesar
Attorney at Law
1231 fourth Street, S.W.
Wash. D.C.

December 20, 1976

re: Ray v. Tenn. cr. Indictment no. 16645;
Shelby county, Tennessee. (1968)

Dear Jim:

In respect to your letter saying that a justice department attorney, Mr. James F. Walker, would like to interview me concerning the above indictment, I agree with your advice opposing the interview. It would appear that this would only be in the interest of the J.D. and their book writing collaborators, e.g., Gerold Frank, George McMillian, et al.
If they had wanted to interview the defendant, under oath, justice had ample opportunity in the 1974 H.C. hearing in Memphis, Tennessee, through their surrogate, W. Henry Haile; and I understand no representative from justice appeared as a witness at the hearing.

At the present I believe the only body I should testify before is a jury.

I understand you to say justice has not read any of the trs. of prior hearings & suits. Therefore I'll include in the cc copy of this letter to justice a copy of a Complaint that speaks to the MLK jr. matter with attached Ex--A, althoe I doubt if justice or their publishing associates will be interested in the Complaint contents.

Sincerely: James e. Ray #65477
P.O. Box--73
Petros, Tenn. 37845.

cc: James F. Walker, Esq. J.D. ✓

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES E. RAY,
Plaintiff

vs.

TIME INC.
GEORGE McMILLIAN
W. HENRY HAILE
WILLIAM BRATFORD HUIE
GEROLD FRANK
HON. ROBERT M. McRAE
BRENDA PELLICCIOTTI
Defendants

Civil Action No. C-76-274.

COMPLAINT

1. ALLEGATION OF JURISDICTION:

(a) Jurisdiction of the parties in the herein subject matter is based upon diversity of citizenship and the amount in recovery.

Plaintiff, acting pro se, is a citizen of the State of Tennessee under "operation of Law" in the subject matter; defendant TIME Inc. (here-in-after, TIME) is a citizen of the State of New York; defendant George McMillian (here-in-after, McMillian) is a citizen of the State of Massachusetts; defendant W. Henry Haile (here-in-after, Haile) is a citizen of the State of Tennessee; defendant William Bratford Huie (here-in-after, Huie) is a citizen of the State of Alabama; defendant Gerold Frank (here-in-after, Frank) is a citizen of the State of New York; defendant Hon. Robert M. McRae (here-in-after, Judge McRae) is a citizen of the State of Tennessee; defendant Brenda Pellicciotti (here-in-after, Pellicciotti) is a citizen of the State of Tennessee. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(b) Jurisdiction founded in the existence of a federal question and the amount in controversy:

The action arises under the fifth, sixth, and fourteenth, amendments to the Untied States constitution; U.S.C. Title 28 § 1331 (a), as here-in-after mofe fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existance of a question arising under particular statute:

The action arises under Act 42 U.S.C.A. § 1983; U.S.C. Title 28 § 1343 (4). As here-in-after more fully appears.

THIS IS AN ACTION IN LIBEL & CIVIL RIGHTS VIOLATIONS.

GENERAL BACKGROUND:

On April 4th 1968, Rev. Martin Luther King jr., was shot d killed in, Memphis Tennessee; in May 1968 the plaintiff was indicted by the Shelby county grand jury (cr. indictment no. 16645) for said shooting; on March 10th 1969 plaintiff, allegedly through coercion by his attorney, Percy Foreman & the prosecution, entered a guilty plea to said cr. indictment; on February 2nd 1974 the U.S. 6th circuit court of appeals ordered an evidentiary hearing into the circumstances of said plea, Ray v. Rose 491 F2d 285 (C.A.6, 1974; on February 27th 1975 after hearing said evidentiary proceedings the U.S. District court for the W.D. of Tennessee, Hon. Robert M. McRae, presiding ruled against plaintiff, Ray v. Rose, C-74-166; on May 10th 1976 the U.S. 6th circuit court of appeals upheld Judge McRae's ruling in said evidentiary hearing. Ray v. Rose, C-75-1795.

Plaintiff, JAMES E. RAY, sues
Defendants, TIME INC.; GEORGE McMILLIAN; W. HENRY HAILE; WILLIAM BRATFORD HUIE; GEROLD FRANK; ROBERT M. McRAE; BRENDA PELLICCIOTTI, and alleges:

2. That while awaiting trial in the aforementioned cr. indictment the plaintiff copied down from recollection information he had gained in his 1967 associations, associations which lead to plaintiff being charged under said indictment.

3. That a brief summary of said recollections and their subsequent disposition by plaintiff are as follows:

(a) during one period of plaintiff's confinement in 1968 he wrote down on a money receipt issued forth from the Sheriff's office of the Shelby county, Tennessee, jail information which plaintiff believed had a direct bearing on said cr. indictment. See, Ex--A.

(b) the information consisted of telephone numbers & one name & address; all numbers were written down backwards, including the address.

(c) the two telephone numbers were listed next to the word "Sister", the first being listed in, New Orleans, Louisiana; the second being in, Baton Rouge, Louisiana.

(d) the address is listed under the name, Vera C. Staples.

(e) the telephone number listed under the Baton Rouge address was furnished to plaintiff's attorney, Percy Foreman, who was representing plaintiff in said cr. indictment.

(f) the address was not investigated until plaintiff was incarcerated upon pleaing to said indictment; a compendium of the post trial investigation would indicate: the information cited above was given to a St. Louis, Missouri, labor leader, and informed it pertained to the MLK jr. case, who apparently in turn furnished said information to a Nashville, Tennessee, ex-Attorney to investigate; said Attorney had sources in the State of Louisiana investigate the matter and thereafter said Attorney reported the Baton Rouge listed number resident was under the influence of the Teamsters union; and the New Orleans listed number resident was among other things an agent of a mideast organization disturbed because of Dr. King's reported forthcoming, before his death, public support of the Palestine Arab cause. (References to the address if any was unclear.)

(g) the plaintiff had come by said name & address shortly before crossing the border in November 1967 from Tijuana, Mexico, into the United States; the name was Randolph Erwin Rosen, 1180 N.W. River Drive, Miami, Florida; other reference was made to a LEAA; a check through the Miami directory in 1970 indicted no Rosen listed with the above first & second name; in 1973-74 a Chicago, Illinois, reporter was quired as to the name of a Rosen who was an official in the Progressive Labor Party, the reporter later responded said Rosen, or Rosens, activities were mainly in the New York, New York, area; shortly thereafter said reporter was substantiated by material plaintiff received indirectly from the Hon. Richard Ichord a congressman from

Missouri; thereafter an Attorney in Oklahoma City, Oklahoma, was furnished the Rosen name and asked if he could find any information re the subject in, New Orleans, and informed the subject might have a cr. record; the Attorney reported back that the subject's last name most likely was, Rosenson, and that he had a cr. conviction in New Orleans, Louisiana, federal court for a narcotics violation; thereafter a Tennessee licensed Attorney procured the tr. of said conviction; subsequently another check was made through the, Miami, telephone directory which did list a "Randy Rosendon" but with an address discrepency.

4. That plaintiff intended the above information for exclusive use, after a through investigation, in a jury trial under said cr. indictment--rather than for commercialzing in the communications industry--and in consequence withheld parts thereof from plaintiff's cr. Attorneys, who were enmeshed with defendant (novelist) William Bratford Huie in commercial publishing ventures: 1st) Attorney Arthur Hanes sr., who immediately upon entering the suit contracted with defendant, Huie and 2nd) Attorney Percy Foreman, who while not entering into literary contracts with Mr. Huie until January 1969, two months after Foreman's entering the suit, Mr. Foreman did not question plaintiff about said information or other aspects of the cr. indictment--because of his (Foreman's) admitted trial preparation methods--until February 1969.

5. That in February 1969, after Percy Foreman had entered into literary contracts with defendant, Huie, plaintiff furnished Attorney Foreman with the above mentioned, Baton Rouge, phone number and asked him to investigate in connection with the MLK jr. homicide. Shortly thereafter Mr. Foreman replied in effect that if there were to be any telephone numbers refered to in court he (Foreman) would furnish them through contacts in interstate gambling--Mr. Foreman mentioned a, Mr. Meyer Lansky, as his source.

6. That subsequently, after the prosecution and Percy Foreman had maneuvered plaintiff into entering a plea to said indictment, the plaintiff on March 11th 1969 was checked into the Tennessee State penitentiary--Nashville Branch--and therein all plaintiff's personal property including the paper herein attached as EX-A, and including incoming legal & personal letters mailed to said prison, were confiscated from plaintiff. Two or three days later after discussing briefly with State corrections commissioner, Harry Avery, the letters including EX-A were returned to plaintiff by said,

Commissioner, Harry Avery. (except for a thin line circling some writings the property seemed in order.

7. That prior to Plaintiff's transfer to the aforementioned penitentiary, Commissioner Avery, the late Governor of Tennessee, Hon. Buford Ellington, and Governor Ellington's administrative assistant, Mr. William L. Barry, had decided and committed to writing (see, Avery testimony in, Ray vs. Russell, U.S. Dis. Ct. M.D. Tn. Civ. Action no. 5590, 1970)Plaintiff's treatment upon entering said penitentiary,ie, arbitrary lodging of Plaintiff in solitary confinement immediately upon his entering prison.

8. That thereafter on (March 13, 1969) when plaintiff commenced petitioning the trial court for a new trial under said indictment, Commissioner Avery attempted to persuade Plaintiff against seeking a trial under said indictment and after failing that informed Plaintiff that he would never be releasted from solitary confinement while he (Avery) was corrections commissioner.

9. That in the succeeding years until the present Plaintiff has been arbitrarily locked in solitary confinement/segregation for approximately five years, during which time their has been several suicides by prisoners beca ause of the harshment of the confinement including two (2) who burned themselves to-death. See, EX--B.

10. That after the aforementioned plea by Plaintiff the trial Judge, Hon. Preston Battle, departed from Memphis, Tennessee, for a vacation and while on said vacation the then Governor of Tennessee, Hon. Buford Ellington, upon learning of Plaintiff's effort to receive a jury trial under said indictment, dispatched State officials to located Judge Battle to offer him the next Appellate Judgship vacancy if the Judge would deny Plaintiff a trial under the petition refered to in paragraph-8 above.

11. That on or about March 12th 1969 in the prison segregation building Plaintiff was confronted through a ruse by special agent, Robert Jensen of the Memphis, Tennessee, federal bureau of investagation office. The thrust of Mr. Jensen's conversation was seeking cooperation of Plaintiff in furthereing the FBI investigation of said cr. indictment. When Plaintiff refused the cooperation offer Mr. Jensen upon departing said Plaintiff could expect Plaintiff Brothers (John & Jerry Ray) to join him in prison, or words to that effect, thereafter:

(a) plaintiff's brother, Jerry Ray, was intimidated to the extent that he had to resign his job in the Chicago, Illinois, area; subsequently after forcing him from his job the FBI attempted to frame him for numerous crimes.

(b) plaintiff's other brother, John Ray, was arrested by police while driving his car in the St. Louis, Missouri, area and subsequently charged by the FBI for aiding and abetting a bank robbery. Tried and convicted with a defendant whom the government alleged actually robbed said bank, John was given 18 years and the alleged robber 10 years; upon appeal the alleged robber's conviction was reversed by the 8th U.S. circuit court of appeals because the fruits of an illegaly search & seizure was used against him; however, the 8th circuit ruled that the fruits of the illegal search was not ground for reversing John Ray's case becasue the alleged evidence (stolen money) was not taken from him; upon re-trial the alleged robber was acquited; subsequently another defendant in the robbery was charged and entered a plea for three (3) years which was later reduced to eighteen months by the government.

12. That in June 1969 Plaintiff filed a civil action in the United States District court for the M.D. of Tennessee seeking to void contracts between plaintiff, the aforementioned Percy Foreman, and defendant, Huie. In attempting to have said civil action (Complaint) dismissed, thus necessitating the refiling by Plaintiff in the W.D. of Tennessee, the defendants Attorney the late, John J. Hooker sr., of the Davidson county Tennessee bar, illegally procured Plaintiff's entire prison record, including domicle information, from the aforementioned corrections commissioner, Harry Avery, and was thus able to have said Complaint dismissed in the M.D. of Tennessee and refiled in the W.D. (civil action no. C-69-199) before Judge McRae, because of said domicle information.

13. That thereafter in civil action no. C-69-199 one of Judge McRae's initial rulings was that said action would be decided by deposition rather than live testimony--subsequently the Judge dismissed the suit on motion of the defendants.

14. That following the United States Sixth circuit court of appeals ruling on February 3rd 1974 ordering an evidentiary hearing into the circumstances of Plaintiff's aforementioned guilty plea under said indictment defendant, Judge McRae, again assumed jurisdiction to conduct said hearing (civil action no.C-74-166) and again ruled that the two principal witnesses, the

aforementioned Percy Foreman & defendant Huie, would not have to undergo liwe testimony, only depositions. The Judge accomplished this legal maneuwer by ruling the Plaintiff's subpoena powers were limited to a 100 mile radius of Memphis, Tennessee.

That Judge McRae further prejudicial & arbitrary actions & inactions listed below effectively diminished the Plaintiff's right under the United States Supreme court mandate for a full and equitable evidentiary hearing:

(a) the court ruled in effect P_____ at the solicitation of the State's Attorney, defendant Haile--who had complained to the court that the press was urging the State to ask certain questions of Plaintiff--that General Haile could inquire of Plaintiff's alleged information he (plaintiff) provide said Percy Foreman concerning others persons allegedly culpable under said cr. indictment. Thereafter, althoe Plaintiff did refer to information described above as being given to Mr. Foreman by Plaintiff, and within the confines of the above court ruling, neither defendant, Haile, or, Judge McRae questioned Plaintiff in the matter.

(b) Judge McRae in concert with defendant, Pellicciotti, has consistently--despite petitions from Plaintiff's counsel, James H. Lesar--declined to forward to the U.S. 6th circuit court of appeals relevant & necessary portions of the transcript in said evidentiary hearing: specifically, the definitive portions of said transcript evidencing, Percy Foreman, after for invatation, refused to offer live testimony in said evidentiary hearing; and thus through their deleterious inactions in the tr. matter contributed substantially to the 6th circuit decision against Plaintiff therein.

(c) Judge McRae has ignored a petition to take perpetuating testimony, filed after said evidentiary hearing, from defendant, Huie. Mr. Huie being a principal character therein.

15. That prior to said evidentiary hearing, Judge McRae, mislead or attempted to mislead Plaintiff's Tennessee cr. counsel as evidenced by a series of letters Plaintiff received from said Counsel (Mr. Robert I. Livingston) implying that during several encounters with Judge McRae he (Livingston) was lead to believe the court was sympathetic to Plaintiff's case and thus a vigorus presentation by Plaintiff's counsel would not be necessary or desirable.

16. That their have been publicized allegations that, Judge McRae, is more concerned with the political effects of his decisions than the law. See, EX--C.

17. That the clerk of the court defendant, Pellicciotti, wherein said evidentiary hearing was conducted acted in concert with, Judge McRae, in declining to prepare and forward tr. material, described in paragraph 14-b above, to the U.S. sixth circuit thus contributing substantially to the sixth circuit denying Plaintiff relief under said evidentiary hearing.

18. That defendant, Haile, who was the State's chief counsel in the aforementioned evidentiary hearing, but is now in private practice, has libeled Plaintiff by aiding & abetting defendant, McMillian, in McMillian's preparing & authoring the aforementioned artilce for defendant, TIME.

19. That defendant, McMillian, informed Plaintiff's brother, Jerry Ray, of his (McMillian's) relationship with defendant, Haile.

20. That in_______1975 defendant, Haile, appeared with defendant, McMillian, at the Tennessee State penitentiary--Nashville Branch--wherein McMillian requested warden, James H. Rose, a personal friend of Haile, to contact Plaintiff and ask if he would consent to an interview by, McMillian. Warden Rose did forward said interview request to Plaintiff which Plaintiff declined and, thereafter, Haile & McMillian viewed the solitary confinement building wherein Plaintiff was housed.

21. That defendant, Haile, while asst. att. gen. for the State of Tennessee several times publicly criticised court decisions unfavorable to him in a manner suggesting he was attempting to intimidate Judges, acts for which he subsequently was dismissed from the A.G.'s office by the Attorney General for the State of Tennessee.

22. That in the January 26, 1976, issue of TIME magazine (EX--D) under the title of "The King Assassination Revisited", defendant, McMillian, authored a malicious article subtitled "I'm gonna kill that nigger King" and alleged said subtitle to be a statement made by Plaintiff.
Said article is littered with deliberate fabrications, and while of a hollywoodish character they are delivered with malice intent, begining

"...In 1963 and 1964 Martin Luther King was on TV almost everyday, talking defiantly about how Black people were going to get their rights...Ray watched it all avidly on the cell-block TV at Jeff City. He reacted as if King's remarks were directed at him personally. He boiled when King came on the tube. He began to call him Martin 'Lucifer' King and Martin Luther 'coon'. It got so that the very sight of King would galvanize Ray ". p. 18 said article.

The facts are that their were no TV sets in the cellblocks or, cells, during Plaintiff's entire sojourn in the Missouri State penitentiary at, Jefferson City; and, that defendant McMillian is cognizant of this fact through conversations with Missouri corrections officials whom he has contacted for information numerous times. See, EX--E.

23. That several other deliberate fabrications with malicious intent in said article are:

(a) "Ray and (his fellow convict Raymond) Curtis would set around, often high on speed..." Speed being a form of narcotic. p. 18.

(b) "On April 24, 1967, just one day after Ray escaped from the prison at Jefferson City, he met his Brothers Jack and Jerry in Chicago's Atlantic Hotel..." Allegedly, say's McMillian, discussing the murder of Martin Luther King. p. 18.

(c) that McMillian alleged Plaintiff's Brothers, John & Jerry Ray, had, from conversations with Plaintiff, knowledge before the fact of the MLK Jr. murder. PP. 18 & 23.

24. That the State of Missouri's department of corrections commissioner, Mr. George M. Camp, alleges in effect that defendant McMillian is a fraud in connection with McMillian's aforementioned allegations concerning Plaintiff's conduct while in said Missouri penitentiary. See, EX--E.

25. That the Missouri prisoner defendant McMillian principally relies on to substantiate his allegations, allegations that Plaintiff not only ploted the murder of MLK Jr. but was also a narcotic addict, narcotic peddler, ect. ect., is reveled to be one, Raymond Curtis.
Said, Raymond Curtis, attempted onced to converse with Plaintiff while in said penitentiary, thereafter he (Curtis) voluntarily "checked into" segregation, after being exposed as a proffessional informer, and thus

was thereafter limited in his prison association to his own type.

26. That shortly after Plaintiff's arest in 1968 to anser for said cr. indictment defendant McMillian stated at a news conference that since he (McMillian) knew Plaintiff was guilty of the indictment charge he (McMillian) would not have to investigate the case. Thus it follows a fortiori that McMillian has relied on the work product of other novelist to substantiate sizeable portions of his allegations in said TIME artucle.

27. That defendant McMillian has posted Plaintiff numerous letters, first threatening, then cajoling, in seeking interviews for use in said article and his alleged forthcoming book re Plaintiff.

28. That defendant TIME magazine has a vested (financial) interest in publishing said artilce by McMillian--thus in promoting McMillian's forthcoming book re Plaintiff-- in that McMillian's publisher, Little Brown, is a subsidary of TIME inc.

29. That defendat TIME deceived their own agent (Richard C. Woodbury) in their Chicago, Illinois, office into thinking TIME would run an objective story re the matter. See, EX--F.

30. That defendant TIME was consciously endeavoring to influence the United States Sixth Circuit court of appeals in, Ray v. Rose, no. 73-1543, which just a few days subsequent to said article heard agguments in the above Ray v. Rose suit to determine whether to order Plaintiff a new trial under said cr. indictment.

31. That TIME inc. has a history of conspiring to subvert the judicial and political processes by publishing, timely, malicious articles prior to judicial decisions or election of public officials.

32. That because defendant, TIME, has made a fresh investigation)p. 17 said article) into the "case"--their initial investigation evidently being performed by Time inc. LIFE magazine in 1968--TIME is cognizant that a substantial portion of said article is false & malicious.

33. That substantial portions of said artilce by McMillian were supplied to Mr. McMillian by defendants, Frank & Huie--Defendant, Huie, published a novel re Plaintiff in 1970 titled "He Slew the Dreamer"; defendant,

34. That the false allegations in said article: "that Plaintiff committed a holdup in London, England, and that George C. Wallace would pardon plaintiff, pp. 17 & 23 respectively, were supplied to defendant McMillian by defendant Huie as evidenced by statements made directly to Plaintiff by the above mentioned Percy Foreman (quoating Huie to Plaintiff) along with oral & written declarations by Defendat, Huie. See,

35. That defendant Huie in his ongoing media campaign against Plaintiff libeled Plaintiff in a CBS-TV interview hosted by, Dan Rather, on or about January 2, 1976, by falsely alleging in effect that Plaintiff had murdered MLK Jr. and, robbed a loan company in London, England.

36. That the false allegations in reference to Adolph Hitler (p. 23 said article) was supplied to defendant McMillian by Defendant, Frank, as evidenced by statements made directly to plaintiff by Plaintiff's former Attorney (who was interviewed extensively by defendant, Frank) Robert Hill, of the Chattanooga Tennessee bar.

37. That defendant Huie has a history, for commercial reasons, of contentiousness with said, Gov. Wallace.

38. That defendant Frank has a history of defending Zionism even when it includes murder, eg, see Frank's novel, publisher in 1963, titled "THE DEED", and if allegations in count 2-f above are substantiated in court proceeding Mr. Frank's intrusion into said cr. indictment as a Government advocate is readily explicable.

39. That an article in the BILALIAN NEWS published March 12, 1976, page 15, penultimate paragraph, reported MLK Jr. was shifting his political alliances..."Dr. King was shifting his political allinaces and civil rights approach. To support this view observers point to Dr. King's views on the Viet Nam war and his growing support of the labor movement. Dr. King was also coming under the influence of the Teaching of the Honorable Master Elijah Muhammad..."

40. That Plaintiff filed a libel suit in the United States Dis. Ct. for the W.D. of Tennessee titled, Ray v. Frank, Civil Action no. C-73-126, against herein defendant, Frank, in 1973, and had process served upon him through his publisher, Doubleday company. Mr. Frank was subsequently

releived by the Court as a defendant in said suit by falsely alleging (See, EX--G. p. 1) a process deficiency; Mr Frank's in effect falsely alleged that he & Doubleday Company's affiliation was formal & transitory.

41. That the record will confirm that not one of the Plaintiff's accusers in the communication industry have ever offered live testimony in a court of law but on the contrary, they hawe utilized numerous ruses to avoid process and the subpoena while the record will evidence Plaintiff has not only given live testimony (in the aforementioned evidentiary hearing) but prior to the plea in said cr. indictment was in contention with his cr. counsel in their insistence--in collusion with defendant, Huie--that plaintiff not be a defense witness therein.

Moreover, nothing of substance indicates that the legal system-influencial publishing companies combine are not acting in concert to assure that their shall never be a (jury) trial for Plaintiff, criminal or civil, that's related to said indictment...apparently because it would not be a "show trial",i.e., the Government could not sustain it's heretofore media case.

And it would appear that a cr. defendant without the economic or political influence to effectively contest the above situation is not only subject to the denial of due process but can also expect his family members to be jailed and framed for criminal offences while the same publishing industries, eg, defendant, TIME, complain self-righteously about some distant country's corections or legal system.

Further, it seem's that, by chance, the same media-political combine that coalesced in the Watergate investigation-prosecution and demanded full disclosure are out of the same sack as thoes who prosecuted plaintiff under said cr. indictment and who are now opposed to disclosures.

IN SUMMARY: the above mentioned Percy Foreman has heretofore, since he & the Government maneuvered Plaintiff into said indictment plea, been giving a running commentary in the media on how he (Foreman) accomplished the feat. Now he has published analogously the epilogue to the feat in the STAR magazine wherein he pronounces:

> "...with the publicity, appellate courts are reluctant to reverse because it would bring down a heap of criticism from the public who are not familiar with the rule and regulation of law...to find a Judge or a group of Judges with ebought courage would on experience, be unexpected". See, EX--M.

42. That the defendants, TIME inc., George McMillian, W. Henry Haile, William Bratford Huie, and Gerold Frank are guilty of the violation as follows:

(a) of libeling plaintiff in said TIME article with malicios intent.

43. That the defendants, TIME inc., George McMillian, W. Henry Haile, are guilty of the violation as follows:

(a) of acting in collusion, by the nature of said article and it's publishing date, to influence the U.S. 6th circuit court of appeals in, Ray v. Rose, No. 73-1543, adversely to herein Plaintiff, thus obstructing justice and violating plaintiff's civil rights.

44.-That defendant, McMillian, is in addition guilty of the violation as follows:

(a) of receving & publishing malicious marerial from defendants, Huie & Frank, with a reckless disregard for the truth or falsity of said material thus compounding McMillian's libel.

45. That defendant, Huie, is in addition guilty of the violation as follows:

(a) of libeling with malicious intent by falsely charging on a CBS-TV special dated January 2, 1976, and hosted by Dan Rather, that Plaintiff had in effect murdered, Rev. Martin Luther King Jr., and, robbed a loan company in, London, England.

46. That defendant, Haile, is guilty of the additional violations as follows:

(a) of violating Plaintiff's civil rights with malicious intent by aiding & abetting defendant, McMillian, in his (MCmillian's) publishing said article, through furnishing McMillian information from the files of the Tennessee Attorney General's office while he (Haile) was asst. Att. Gen.

(b) of having direct knowledge resulting from his tenure in the Tennessee A.G. office and his association with the aforementioned, Percy Foreman & William L. Barry, of the truthfulness of allegation made in count-3 herein above, thus violating Plaintiff's civil rights.

47. That defendants, Judge McRae & Brenda Pellicciotti, are guilty of the civil rights violation as follows:

(a) of deliberately withholding relevant portions of Plaintiff's transcript from an appellate court, refered to in count-14 b above, and thus contributed substantially to that court--U.S. 6th circuit court of appeals--sustaining Judge McRae's earlier ruling therein against Plaintiff.

48. That defendant, Judge McRae, is in addition guklty of the civil right's violation as follows:

(a) of refusing to act on a motion to take perpetuating testimony from defendant, Huie, in the aforementioned evidentiary hearing, refered to in count-14 c above.

49. That the Plaintiff is entitled to exemplary damages because defendants, excluding Judge McRae & Pellicciotti, should be taught that the culpability of defendants in cr. indictments were intended under the United States constitution to be decided in courts of law rather than through fraudulent misrepresentations in the commercial communications industry; and the other two defendants that legal requirements precede political considerations or biasness against a particular litigant.

50. That as a result of the defendants actions cited herein the Plaintiff has not only been libeled in a maligant fashion but thoes who have the responsibility of upholding litigants constitutional rights have by their collusive acts indirectly contributed to and encouraged the libel.

WHEREFORE, Plaintiff demands judgment from defendants, excluding Judge McRae, punitive damages of Five hundred thousand dollars respectively.

James E. Ray
Station--A
Nashville, Tennessee.
Plaintiff James E. Ray.

[illegible] DATE: [illegible]
[illegible] MADISON AVE. MEMPHIS TENNESSEE.

Received of Sheriff William N. Morris, Jr. the sum of $10.00. Said monies being sent by mail to James Earl Ray, with aliases, from CAROL PEPPER who resides at 1035 BELLEVUE, MAPLEWOOD, MO. 63143

SISTER. NO. 7573-4534429

The above sum was received in the form of

cash, [✓ check] money order.
(circle appropriate)

VERA C. STAPLES
0811- N.W. RIVER DR.
MI, FL.

ROSEN LE[illegible]
Hanes & Hanes, ~~Attorneys~~
BY:

ames Earl Ray, County Jail

RRY RAY - 710 ANN AVE,
LOUIS, MISSOURI. 63104
HN RAY 1982

EXHIBIT 16

State of Tennessee
SHELBY COUNTY } ss.

I, J. A. BLACKWELL, Clerk of the Criminal Courts of said County, do hereby certify that the foregoing (5) FIVE Pages contain a full, true and perfect copy of the PETITION FOR WAIVER OF TRIAL AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY AND ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING PLEA OF GUILTY AND VOIR DIRE OF DEFENDANT ON WAIVER AND ORDER - OF JAMES EARL RAY - DOCKET NUMVER B-16645 as the same appears of record now on file in my office.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court, at office, in the City of Memphis, this 16 day of AUG. 1976

/s/ J.A.BLACKWELL Clerk

By D. C.

State of Tennessee
SHELBY COUNTY }

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENN.
Memphis, Tenn. AUG. 16,1976 19

I, WILLIAM H. WILLIAMS, sole and presiding Judge of the Criminal Court of said County Division 3, certify that J. A. BLACKWELL, who gave the foregoing certificate, is now, and was at the time of signing the same, Clerk of said Court, and that said Court is a Court of Record, and that his attestation is in due form, and his official acts, as such, are entitled to full faith and credit.

Witness my hand, this 16 day of AUG. 1976

William H. Williams Judge.

State of Tennessee
SHELBY COUNTY }

I, J. A. BLACKWELL, Clerk of the Criminal Courts of said County, certify that HON. WILLIAM H. WILLIAMS, whose genuine official signature appears to the above and hereto annexed Certificate, is and was at the time of signing the same, sole and presiding Judge of the Criminal Court Division 3, in and for the County and State aforesaid, duly commissioned and qualified, and that all his official acts, as such, are entiled to full faith and credit.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court, at office, in the City of Memphis, this 16 day of AUG. 1976

/s/ J.A.BLACKWELL Clerk.

By D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS. NO. 16645

JAMES EARL RAY
DEFENDANT

PETITION FOR WAIVER OF TRIAL AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY

That my true full name is JAMES EARL RAY and I assert that all proceedings against me should be had in the name which I hereby declare to be my true name.

My attorney in the cause is PERCY FOREMAN, who was selected and retained by me,/who was appointed by the Court ~~at my request~~, to represent me in this cause. and Hugh Stanton, Sr., Public Defender,

I have received a copy of the indictment before being called upon to plead, and I have read and discussed it with my attorney, and believe and feel that I understand the accusation made against me in this case and in each case listed herein. I hereby waive the formal reading of the indictment.

I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictments, and believe and feel that my attorney is fully informed as to all such matters. My attorney has informed me at to the nature and cause of each accusation against me, and as to any and all possible defenses I might have in this cause.

My attorney has advised me as to the punishment provided by law for the offenses charged and embraced in the indictment against me. My attorney has further advised that punishment which the law provides for the crime with which I am charged in the indictment is as follows:

death by electrocution or confinement in the State Penitentiary for life or for some period of time over twenty (20) years

and if accepted by the Court and Jury my sentence on a plea of guilty will be:

confinement in the State Penitentiary for ninety-nine years (99).

It has been fully explained to me and I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees and this Court will provide me the right to a speedy and public trial by jury; the right to see and hear all witnesses against me; the right to use the power and process of the Court to compell the production of any evidence, including the attendance of any witness, in my favor; and the right to have the assistance of counsel in my defense at all stages of the proceedings.

In the exercise of my own free will and choice and without any threats or pressure of any kind or promises of gain or favor from any source whatsoever, and being fully aware of the action I am taking, I do hereby in open Court request the Court to accept my plea of guilty to the charges outlined herein. I hereby waive any right I may or could have to a Motion for a New Trial, and/or an appeal.

James Earl Ray
Defendant

Witness:

Percy Foreman

Hugh Stanton Sr

Hugh Stanton Jr

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE

VS NO. 16645

JAMES EARL RAY

DEFENDANT

ORDER AUTHORIZING WAIVER OF TRIAL AND ACCEPTING PLEA OF GUILTY

This cause came on for hearing before the Honorable W. PRESTON BATTLE, Judge of Division III, of the Criminal Court of Shelby County, Tennessee, on the petition of the defendant, JAMES EARL RAY, for Waiver of trial by jury and request for acceptance of a plea of guilty, said petition being attached hereto and incorporated by reference herein; upon statements made in open Court by the defendant herein; his attorneysof record; the District Attorney General, the Assistant AttorneysGeneral representing the State of Tennessee; and from questioning by the Court of defendant and his counsel in open Court; and

IT APPEARING TO THE COURT after careful consideration that the defendant herein has been fully advised and understands his right to a trial by jury on the merits of the indictment against him, and that the defendant herein does not elect to have a jury determine his guilt or innocence under a plea of Not Guilty; and has waived the formal reading of the indictment, AND:

IT FURTHER APPEARING TO THE COURT that the defendant intelligently and understandingly waives his right to a trial and of his own free will and choice and without any threats or pressure of any kind or promises, other that the recommendation of the State as to punishment; and does desire to enter a plea of guilty and accept the recommendation of the State as to punishment, waives his right to a Motion for a New Trial and/or an appeal.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the petition filed herein be and the same is hereby granted.

Enter this the 16th day of March, 1969.

W Preston Battle
JUDGE

JUDGE "James Earl Ray, stand."

JUDGE "Have your lawyers explained all your rights to you and do you understand them?"

DEFENDANT "Yes"

JUDGE "Do you know that you have a right to a trial by jury on the charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from Death by Electrocution to any time over twenty years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty and the decision of the Jury must be unanimous both as to guilt and punishment?

In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the trial judge? In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States? Do you understand that you have all these rights?"

DEFENDANT "Yes"

JUDGE "You are entering a plea of Guilty to Murder in the First Degree as charged in the Indictment and are compromising and settling your case on agreed punishment of ninety-nine years in the State Penitentiary. Is this what you want to do?"

DEFENDANT "Yes"

JUDGE "Do you understand that you are waiving, which means "giving up", a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases of Pleas of Guilty to Murder in the First Degree?

Jer. P.F.

By your plea of guilty you are also waiving your rights to (1) Motion for a New Trial; (2) Successive Appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee; (3) Petition for Review by the Supreme Court of the United States.

By your plea of guilty you are also abandoning and waiving your objections and exceptions to all the Motions and Petitions in which the Court has heretofore ruled against you in whole or in part, among them being:

1. Motion to withdraw plea and quash indictment
2. Motion to inspect evidence
3. Motion to remove lights and cameras from jail
4. Motion for private consultation with attorney
5. Petition to authorize defendant to take depositions
6. Motion to permit conference with Huie
7. Motion to permit photographs
8. Motion to designate court reporters
9. Motion to stipulate testimony
10. Suggestion of proper name"

DEFENDANT "Yes"

JUDGE "Has anything besides this sentence of ninety-nine years in the penitentiary been promised to you to get you to plead guilty? Has anything else been promised you by anyone?"

DEFENDANT "No"

JUDGE "Has any pressure of any kind, by anyone in any way been used on you to get you to plead guilty?"

DEFENDANT "No"

JUDGE "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

DEFENDANT "Yes"

JUDGE "Is this Plea of Guilty to Murder in the First Degree with agreed punishment of ninety-nine years in the State Penitentiary, freely, voluntarily and understandingly made and entered by you?"

DEFENDANT "Yes"

JUDGE "Is this Plea of Guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

DEFENDANT "Yes"

JUDGE "You may be seated."

James Earl Ray

Percy Foreman

EXHIBIT 17
(Classified)

EXHIBIT 18
(Classified)

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